

**KAZEROUNI LAW GROUP, APC**  
Abbas Kazerounian, Esq. (SBN: 249203)  
ak@kazlg.com  
245 Fischer Avenue, Unit D1  
Costa Mesa, California 92626  
Telephone: (800) 400-6808  
Facsimile: (800) 520-5523

[Additional Plaintiffs' Counsel on Signature Page]

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NATALIE GIANNE and TORI  
POWELL, Individually and On  
Behalf of All Others Similarly  
Situated,**

**Plaintiffs,**

**v.**

**DRINK LMNT, INC., and  
DRINK LMNT DISTRIBUTION,  
INC.,**

**Defendants.**

**Case No.: 2:26-cv-02029-CAS-BFM**

**CLASS ACTION  
FIRST AMENDED CLASS ACTION  
COMPLAINT FOR VIOLATIONS  
OF:**

- 1) CALIFORNIA CONSUMER LEGAL REMEDIES ACT (“CLRA”), CAL. CIV. CODE §§ 1750, ET SEQ.;**
- 2) CALIFORNIA’S UNFAIR COMPETITION LAW (“UCL”), CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.;**
- 3) VIOLATIONS OF CALIFORNIA’S FALSE ADVERTISING LAW (“FAL”), CAL. BUS. & PROF. CODE §§ 17500, ET SEQ.;**
- 4) INTENTIONAL MISREPRESENTATION;**
- 5) BREACH OF EXPRESS WARRANTY; and**
- 6) UNJUST ENRICHMENT**

**JURY TRIAL DEMANDED**

**ACTION SEEKING STATEWIDE  
OR NATIONWIDE RELIEF**



**INTRODUCTION**

1  
2 1. Natalie Gianne (“Ms. Gianne”) and Tori Powell (“Ms. Powell”) (each a  
3 “Plaintiff,” and collectively, “Plaintiffs”), individually and on behalf of all other  
4 similarly situated consumers, bring this first amended class action complaint (“First  
5 Amended Complaint”) for damages, injunctive relief, and any other available legal  
6 or equitable remedies resulting from the unlawful actions of Drink LMNT, Inc. and  
7 Drink LMNT Distribution, Inc., doing business as LMNT (collectively, “LMNT”<sup>1</sup>  
8 or “Defendants”).

9 2. This First Amended Complaint concerns the unlawful, unfair, and deceptive  
10 labeling, marketing, distribution and sale of LMNT’s beverage mix and beverage  
11 products, including (a) representations that LMNT’s products provide cognitive  
12 benefits and (b) representations that the products are “Made in the USA” and/or  
13 “Manufactured in the USA,” without providing clear and adequate disclosure that  
14 they contain foreign ingredients and components, as required by federal and state  
15 laws and regulations.

16 3. The unlawfully and deceptively represented products are sold through  
17 multiple channels, including but not limited to direct-to-consumer sales on  
18 Defendants’ website, Defendants’ Amazon.com (“Amazon”) store, and third-party  
19 merchants operating both brick-and-mortar retail locations and online storefronts.  
20 By way of non-exhaustive example, Defendants’ products are also sold through  
21 fitness and wellness establishments such as martial arts gyms, CrossFit gyms, fitness  
22 centers, sauna facilities, yoga studios, Pilates studios, recovery centers, and wellness  
23 spas, as well as through conventional retail outlets including convenience stores,  
24 grocery stores and other retailers such as Target, Walmart and Vitamin Shoppe.

25 4. Plaintiffs, who purchased certain varieties of Defendants’ products (the  
26 “Products”),<sup>2</sup> allege the following upon personal knowledge as to their own acts and

27  
28 <sup>1</sup> Upon information and belief, “LMNT” is pronounced as “element.”

<sup>2</sup> See *infra* ¶¶ 11, 142, 144, 148-49.

1 experiences, and upon information and belief as to all other matters, based on the  
2 investigation conducted by their attorneys.

3 5. In the highly competitive consumer product and beverage industry, some  
4 companies seek to gain an unfair advantage by misleading consumers about their  
5 products. Defendants market their products as providing cognitive benefits. In truth,  
6 the products contain no ingredients capable of delivering such benefits, and certainly  
7 no ingredients that alleviate “brain fog,” or provide “focus” as those terms are  
8 commonly understood by reasonable consumers. As a result, Defendants’ marketing  
9 is false, deceptive, misleading, and fraudulent, and consumers are harmed by paying  
10 a premium price for products that do not perform as represented.

11 6. Numerous federal and state laws, rules, and regulations govern the labeling of  
12 consumer products, including products such as LMNT’s.

13 7. For example, the Federal Food, Drug, and Cosmetic Act (“FDCA”), and  
14 various state laws<sup>3</sup> that generally align with the FDCA govern the aspects of food  
15 and beverage labeling discussed herein. These laws reflect a fundamental principle:  
16 consumers have the right to know what they are purchasing.

17 8. When companies misrepresent the benefits of their products, mischaracterize  
18 the nature of their formulations, or falsely claim their origin, they violate  
19 fundamental consumer protection laws. Such misconduct undermines consumer  
20 trust, distorts the marketplace, and grants an unfair competitive advantage.

21 9. Under both the FDCA and California law, a food product<sup>4</sup> is considered  
22 misbranded if its labeling is false or misleading in *any particular*.<sup>5</sup>

23 10. Additionally, Defendants’ products are labeled as “Manufactured in the  
24 USA,” or “Made in the USA” (or a synonymous U.S. origin claim), without any  
25 qualification, despite containing foreign ingredients and/or components. This  
26

27 <sup>3</sup> See Cal. Health & Safety Code §§ 110660, 110760, 110765.

28 <sup>4</sup> LMNT’s products are considered “food products” under applicable laws.

<sup>5</sup> See 21 USC § 343(a) and Cal. Health & Safety Code § 110660.

1 practice violates federal and state regulations that require clear and adequate  
2 qualification of the foreign ingredients and components used in a product when U.S.  
3 origin claims are made.

4 11. LMNT’s zero sugar electrolyte drink mix products purchased by Plaintiffs  
5 were falsely represented as providing cognitive benefits, namely alleviating “brain  
6 fog,” and being “Manufactured in the USA,” or “Made in the USA,”<sup>6</sup> despite  
7 containing numerous foreign ingredients and components. These representations are  
8 demonstrably false, as detailed further herein.

9 12. As stated by the California Supreme Court in *Kwikset v. Superior Court*, 51  
10 Cal. 4th 310, 328-29 (2011):

11 **Simply stated: labels matter.** The marketing industry is  
12 based on the premise that labels matter, that consumers  
13 will choose one product over another similar product  
14 based on its label and various tangible and intangible  
15 qualities that may come to associate with a particular  
16 source. . . In particular . . . **the “Made in U.S.A.” label**  
17 **matters.** A range of motivations may fuel this preference,  
18 from desire to support domestic jobs or labor conditions,  
19 to simply patriotism. The Legislature has recognized the  
20 materiality of this representation by specifically outlawing  
21 deceptive and fraudulent “Made in America”  
22 representations. (Cal. Bus & Prof. Code section 17533.7;  
23 see also Cal. Civ. Code § 1770, subd. (a)(4) (prohibiting  
deceptive representations of geographic origin)). The  
objective of section 17533.7 “is to protect consumers from  
being misled when they purchase products in the belief  
that they are advancing the interest of the United States  
and the industries and workers. . .” (emphasis added).

24 13. Defendants market, advertise, and sell their products through express  
25 representations that they provide cognitive benefits, including relief from or  
26

27 \_\_\_\_\_  
28 <sup>6</sup> For purposes of this First Amended Complaint, the term “Made in the USA” shall  
be understood to encompass all synonymous phrases and representations.



1 improvement of “brain fog” - even though the Products contain no clinically proven  
2 nootropic<sup>7</sup> ingredients capable of producing such effects. This representation  
3 appears uniformly across Defendants’ marketing and advertising materials for all  
4 products sold through its Amazon store, including the specific Products purchased  
5 by Plaintiff Gianne through Amazon.

6 14. Upon information and belief, Defendants have also advertised and/or  
7 marketed the Class Products as providing cognitive benefits through additional  
8 channels beyond Amazon, including but not limited to blogs, email newsletters,  
9 social media platforms, public relations driven press or media coverage, and podcast  
10 advertising. The full scope, content, and dissemination of Defendants’ cognitive  
11 benefit marketing are within the exclusive knowledge, control, and possession of  
12 Defendants and their agents, and therefore cannot be fully ascertained or pleaded  
13 without the benefit of discovery.

14 15. All of Defendants’ products are labeled and marketed with representations  
15 that they are “Made in the USA” and/or “Manufactured in the USA,” without any  
16 qualification or disclosure of foreign ingredients or components used therein. These  
17 claims appear on the products themselves and in the accompanying marketing  
18 materials, including those related to the Products purchased by Plaintiffs.

19 16. Defendants’ conduct of labeling, marketing and selling deceptively labeled  
20 products bearing the aforementioned misrepresentations violates: (1) California’s  
21 Consumer Legal Remedies Act (“CLRA”), Cal. Civ. Code §§ 1750, *et seq.*; (2)  
22 California’s Unfair Competition Law (“UCL”), Bus. & Prof. Code §§ 17200, *et seq.*;  
23 (3) California’s False Advertising Law (“FAL”), Bus. & Prof. Code §§ 17500, *et*

24  
25  
26 <sup>7</sup> See <https://www.psychologytoday.com/us/basics/nootropics> (“Nootropics  
27 (pronounced noo-traah-puhks) are compounds or supplements that enhance  
28 cognitive performance.”) (Unless otherwise stated, all websites cited in this First  
Amended Complaint were last visited on February 19, 2026)

1 *seq.*; and constitutes (4) intentional misrepresentation (5) breach of express warranty  
2 and (6) unjust enrichment.

3 17. Additionally, Defendants’ conduct of labeling, marketing and selling  
4 deceptively labeled products bearing the representation that such products are “Made  
5 in the USA” and/or “Manufactured in the USA” without qualification also violates  
6 the FDCA, 16 C.F.R. § 323 (Federal Trade Commission 2021) (the “MUSA Rule”),  
7 and California laws, including Section 17533.7 of the California Business and  
8 Professions Code (the “CA MUSA Rule”).

9 18. This conduct caused Plaintiffs, and other similarly situated consumers,  
10 damages, and requires restitution and injunctive relief to remedy and prevent future  
11 harm.

12 19. In addition to the false and misleading claims regarding the specific Products  
13 purchased by Plaintiffs, LMNT’s other products, including, but not limited to, those  
14 identified in **Exhibit A** and featured on LMNT’s website (the “Class Products”), are  
15 likewise labeled and/or marketed with the same deceptive representations, including  
16 their cognitive benefit claims and unqualified claims that they are “Made in the  
17 USA” and/or “Manufactured in the USA,” and are subject to this lawsuit.

18 **JURISDICTION AND VENUE**

19 20. This Court has jurisdiction over this matter pursuant to the Class Action  
20 Fairness Act (CAFA), 28 U.S.C. § 1332(d), because: (1) there is minimal diversity  
21 as Plaintiffs are citizens of the State of California, Drink LMNT Inc. is a Delaware  
22 corporation with its principal place of business in Florida,<sup>8</sup> and Drink LMNT  
23 Distribution, Inc. is a Delaware corporation with its principal place of business in  
24  
25

26 \_\_\_\_\_  
27 <sup>8</sup> According to Defendant Drink LMNT, Inc.’s most recent filing with the Montana  
28 Secretary of State, dated January 8, 2026, Drink LMNT’s “Business Mailing  
Address of Principal Office” is listed in Montana, while its “Business Physical  
Address of Principal Office” is listed in Florida.

1 Montana<sup>9</sup>; (2) the amount in controversy in this matter exceeds \$5 million,<sup>10</sup>  
2 exclusive of interest and costs; and (3) there are more than one hundred (100) people  
3 in the putative class.

4 21. Venue is proper in the United States District Court for the Central District of  
5 California pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff  
6 Gianne resides in Los Angeles County, California, and purchased one of the  
7 Products in-person at a retail location in Santa Monica, California, which is within  
8 this judicial district; (ii) a substantial part of the conduct complained of herein  
9 occurred within this judicial district; and (iii) Defendants conducted business within  
10 this judicial district at all relevant times.

11 **PARTIES**

12 22. Plaintiff Gianne is, and at all times mentioned herein was, a natural person, an  
13 individual citizen and resident of Los Angeles County, California.

14 23. Plaintiff Powell is, and at all times mentioned herein was, a natural person, an  
15 individual citizen and resident of San Diego County, California.

16 24. Defendant Drink LMNT, Inc. is an entity incorporated under the laws of the  
17 State of Delaware, with its principal place of business at 1150 Central Avenue,  
18 Naples, Florida 34102.

19 25. Defendant Drink LMNT Distribution, Inc. is an entity incorporated under the  
20 laws of the State of Delaware, with its principal place of business at 1925 Grand  
21 Avenue # 62539, Suite 129, Billings, Montana 59102.

22 26. Defendant Drink LMNT, Inc. is a formulator, marketer and seller of beverage  
23 and beverage mix products that conducts business: (a) direct-to-consumer through  
24 its website and its Amazon store; (b) through the websites of third-party vendors,  
25 including, but not limited to, Walmart.com, Target.com, Thrivemarket.com, and  
26 \_\_\_\_\_

27 <sup>9</sup> According to Defendant Drink LMNT Distribution, Inc.'s most recent filing with  
28 the Montana Secretary of State on January 8, 2026.

<sup>10</sup> See *infra* ¶¶ 33-35.

1 Vitaminshoppe.com; and (c) distributes its products to be sold in brick-and-mortar  
2 stores including, but not limited to, grocery stores, convenience stores, specialty  
3 pharmacies, martial arts gyms, CrossFit gyms, fitness centers, sauna facilities, yoga  
4 studios, Pilates studios, recovery centers, wellness spas, and elsewhere.

5 27. Defendant Drink LMNT Distribution, Inc. is owned by Defendant Drink  
6 LMNT, Inc. and is the direct store delivery company formed to sell and distribute  
7 beverage and beverage mix products for Defendant Drink LMNT, Inc.

8 28. Plaintiffs allege that, at all relevant times, Defendants conducted business  
9 within Los Angeles County, California, and within this judicial district.

10 29. Unless otherwise indicated, the use of each of the Defendants' names in this  
11 First Amended Complaint includes all agents, employees, officers, members,  
12 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
13 representatives, and insurers of the Defendants, respectively.

#### 14 NATURE OF THE CASE

15 30. Defendant Drink LMNT, Inc. was founded in 2018 and has since grown into  
16 one of the leading, if not *the* leading, electrolyte drink mix and beverage companies  
17 in the United States.

18 31. Defendants together market and sell a portfolio of products through multiple  
19 distribution channels including, but not limited to, their own website,<sup>11</sup> their  
20 Amazon store,<sup>12</sup> through third-party retailers online as well as in brick-and-mortar  
21 stores.

22 32. Upon information and belief, Defendants currently generate annual revenues  
23

24 <sup>11</sup> See <https://drinklmnt.com/>.

25 <sup>12</sup> See [https://www.amazon.com/stores/DrinkLMNT/page/31239BC7-7D8A-4284-9D9D-B2E45B4AEA4A?is\\_byline\\_deeplink=true&deeplink=33714DB5-2F7E-4FA6-AAC6-E54EA1DB8EA9&redirect\\_store\\_id=31239BC7-7D8A-4284-9D9D-B2E45B4AEA4A&lp\\_asin=B07TT8B1JJ&ref\\_ast\\_bln&store\\_ref=bl\\_ast\\_dp\\_br\\_andLogo\\_sto](https://www.amazon.com/stores/DrinkLMNT/page/31239BC7-7D8A-4284-9D9D-B2E45B4AEA4A?is_byline_deeplink=true&deeplink=33714DB5-2F7E-4FA6-AAC6-E54EA1DB8EA9&redirect_store_id=31239BC7-7D8A-4284-9D9D-B2E45B4AEA4A&lp_asin=B07TT8B1JJ&ref_ast_bln&store_ref=bl_ast_dp_br_andLogo_sto)

1 in the hundreds of millions of dollars.

2 33. According to Defendant Drink LMNT, Inc.’s publicly available filings with  
3 the U.S. Securities and Exchange Commission (“SEC”), including its Form C-AR  
4 filed pursuant to Regulation Crowdfunding, Drink LMNT, Inc. raised capital  
5 through a crowdfunding offering conducted under the Securities Act of 1933.  
6 Pursuant to its ongoing disclosure obligations, Drink LMNT, Inc. made annual  
7 filings reporting its financial condition, operations, and revenue until at least April  
8 18, 2024.

9 34. These filings, which are available on the SEC’s EDGAR database  
10 (<https://www.sec.gov/edgar/browse/?CIK=1871551>), include detailed information  
11 regarding Drink LMNT, Inc.’s reported revenues and business activities for fiscal  
12 years 2021, 2022, and 2023. According to these records, Defendants reported  
13 revenue of approximately \$7,053,000 for the fiscal period ending December 31,  
14 2021; \$31,589,000 for the period ending December 31, 2022; \$78,714,000 for the  
15 period ending December 31, 2022; and \$206,270,000 for the period ending  
16 December 31, 2023. Upon information and belief, Drink LMNT, Inc.’s revenues  
17 have continued to exceed hundreds of millions of dollars in 2024 and 2025.

18 35. While Drink LMNT, Inc.’s Form C-AR for 2023 lists “206270.00” as  
19 “Revenue/Sales Most Recent Fiscal Year-end,” it appears the figures are expressed  
20 in thousands (i.e., millions of dollars), as the prior year’s revenue of “78714.00”  
21 corresponds to its 2022 reported revenue of \$78,714,000.

22 36. As a result of their commercial success, Defendants possess financial and  
23 professional resources that far exceed those available to typical emerging or startup  
24 consumer product companies.

25 37. Given Defendants’ substantial resources and operational sophistication, it is  
26 difficult to conceive how Defendants could so blatantly disregard the well-  
27 established laws, rules, and regulations governing the labeling, marketing, and sale  
28 of beverages and beverage mix products.





1 38. At all relevant times, Defendants, and their agents, made and continue to  
2 make material misrepresentations regarding the Class Products.

3 39. Defendants together advertise, market, promote, distribute and sell the Class  
4 Products as providing cognitive benefits such as alleviation of “brain fog” and  
5 “sustained focus” when, in reality, they contain no clinically proven ingredients, or  
6 combination of ingredients, capable of producing such cognitive or nootropic  
7 effects. Defendants also advertise, market, promote, distribute and sell the Class  
8 Products as “Made in the USA” and/or “Manufactured in the USA,” without  
9 disclosing that they contain foreign-sourced ingredients, including key components.  
10 These representations are false, unlawful, unfair, and deceptive, and, upon  
11 information and belief, continue to be made by Defendants and/or their agents.

12 40. Each consumer, including Plaintiffs, was exposed to the same material  
13 misrepresentations, as virtually identical labels, packaging, and marketing materials  
14 were used in the promotion and sale of all Class Products nationwide, including  
15 within the State of California.

16 41. Federal and state laws, rules, and regulations governing the truthful and  
17 accurate marketing and labeling of consumer products are well-established and  
18 clearly defined. Specifically, under the FDCA, a product is considered *misbranded*  
19 if its labeling is false or misleading in any particular. 21 U.S.C. § 321(m) states that  
20 the term “labeling” encompasses not only labels on the product or its container, but  
21 also *all written, printed, or graphic matter that accompanies the product*, including  
22 promotional brochures, advertising copies, and marketing materials, thereby  
23 bringing Defendants’ marketing claims within the scope of the statute.

24 42. Additionally, federal and state laws and regulations regarding the use of  
25 “Made in the United States” claims, including any synonymous claims, whether  
26 express or implied, are well-established and clearly defined with respect to products  
27 and services as discussed herein.

28 43. As a direct result of Defendants’ unfair and deceptive practices, Plaintiffs and

1 other similarly situated consumers purchased the Class Products based on false  
2 impressions and in reasonable reliance on Defendants' misrepresentations.

3 44. As a result, Plaintiffs and other similarly situated consumers overpaid for the  
4 Class Products, purchased the Class Products over the products of competitors,  
5 and/or purchased the Class Products under the belief that the Defendants'  
6 representations were accurate, truthful and lawful. This includes initial and repeat  
7 purchases of the Class Products.

8 45. Despite clearly established and well-defined federal and state laws, rules, and  
9 regulations, including consumer protection laws, governing the labeling, marketing,  
10 and sale of products such as the Class Products in the United States, Defendants  
11 falsely, unfairly, and deceptively advertise, market, and sell their products,  
12 including the Products purchased by Plaintiffs, as further detailed herein.

13 46. Had Plaintiffs and other similarly situated consumers been aware that the  
14 labeling and marketing of the Class Products contained false, unfair and deceptive  
15 misrepresentations, they would not have purchased the Class Products or would  
16 have paid less for them.

17 47. As a result of Defendants' false, unfair, and deceptive statements and/or their  
18 failure to disclose the true contents of the Class Products, along with the other  
19 conduct described herein, Plaintiffs and similarly situated consumers purchased  
20 hundreds of thousands of units of the Class Products across the United States,  
21 including in California, and have suffered, and continue to suffer, harm, including  
22 the loss of money and/or property.

23 48. Defendants' conduct regarding the labeling, marketing, distribution and sale  
24 of the Class Products, as alleged herein, violates multiple federal and California  
25 laws, rules, and regulations, as detailed below.

26 49. This action seeks, among other things, equitable and injunctive relief; public  
27 injunctive relief; restitution of all amounts unlawfully retained by Defendants; and  
28 disgorgement of all ill-gotten profits resulting from Defendants' alleged



1 wrongdoing.

2 50. Unless enjoined, Defendants’ unfair, deceptive and unlawful conduct will  
3 continue into the future, and Plaintiffs and Class members will continue to suffer  
4 harm.

5 **FACTUAL ALLEGATIONS**

6 51. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
7 this First Amended Complaint as though fully set forth herein, and further allege as  
8 follows:

9 52. At all relevant times, including as of the filing of this First Amended  
10 Complaint, Defendants and/or their agents have made material misrepresentations  
11 regarding the Class Products.

12 **A. False Cognitive Function Claims**

13 53. Defendants market, advertise, distribute and sell their products, including the  
14 Products purchased by Plaintiff Gianne, as providing cognitive benefits such as  
15 alleviation of “brain fog” and boosting “sustained focus.”

16 54. Consumers are increasingly drawn to products marketed as supporting  
17 cognitive health or “brain function” because they associate such claims with  
18 improved mental clarity, productivity, and long-term neurological wellbeing. The  
19 promise of reducing “brain fog,” boosting “sustained focus,” or enhancing cognitive  
20 function in any way is often perceived as a marker of a higher-quality, more  
21 effective, or scientifically advanced product. In an age where performance and  
22 wellness converge, cognitive-benefit claims carry significant weight in consumers’  
23 minds, influence purchasing decisions, and can command premium pricing in the  
24 marketplace.

25 55. The nootropics market (which includes cognitive supplements, beverages,  
26 and ingredients marketed for “brain health”) has experienced dramatic growth:  
27 forecasts estimate the global nootropics market will expand from approximately  
28 \$4.98 billion in 2024 to over \$19.53 billion by 2034, at a compound annual growth





1 rate of 14.64 %.<sup>13</sup> In the U.S., the nootropics industry is similarly booming, driven  
2 by consumer demand for functional products that purport to support focus, memory,  
3 or mental energy.<sup>14</sup>

4 56. Because of this, companies can achieve outsized profits by marketing  
5 products with cognitive claims, even absent scientific backing. Representations of  
6 “brain fog” relief or “sustained focus” are powerful marketing tools because they  
7 appeal to consumers’ aspirations for better mental performance, lend a scientific or  
8 wellness halo to otherwise ordinary products, and lead consumers to pay a premium  
9 or choose these products over competing options that do not make similar  
10 representations.

11 57. Consumers, including Plaintiff Gianne, have sought out products marketed  
12 with claims of supporting cognitive health and function due to both the actual and  
13 perceived benefits associated with improved focus, mental clarity, and overall brain  
14 performance.

15 58. As a result, cognitive health claims have become a critical factor in  
16 purchasing decisions, driving consumers to favor dietary supplement, food and  
17 beverage products that prominently feature cognitive health representations over  
18 those that do not.

19 59. Recognizing this consumer demand, Defendants deliberately sought to  
20 capitalize on it by prominently marketing, advertising, and representing the Class  
21 Products with bold and conspicuous cognitive-benefit claims, such as  
22 representations of “brain fog” alleviation and “sustained focus,” in order to exploit  
23 consumers’ awareness of, and preference for, products that purport to enhance  
24 mental clarity, focus, and overall cognitive performance.

25 60. A reasonable consumer expects that when a product is expressly marketed as  
26

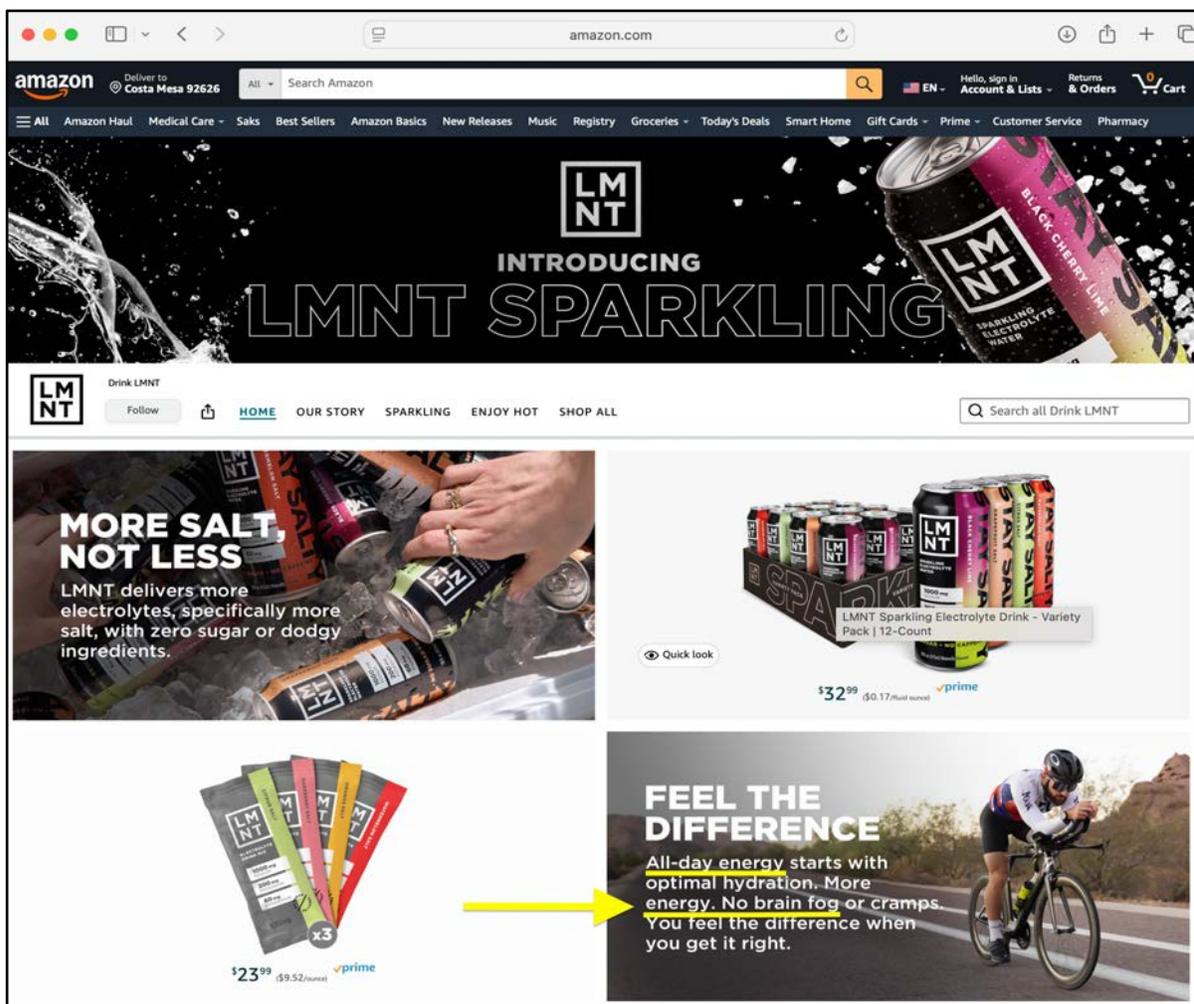
27 <sup>13</sup> See <https://www.towardshealthcare.com/insights/nootropics-market-sizing>.

28 <sup>14</sup> See <https://www.grandviewresearch.com/industry-analysis/us-nootropics-market-report>

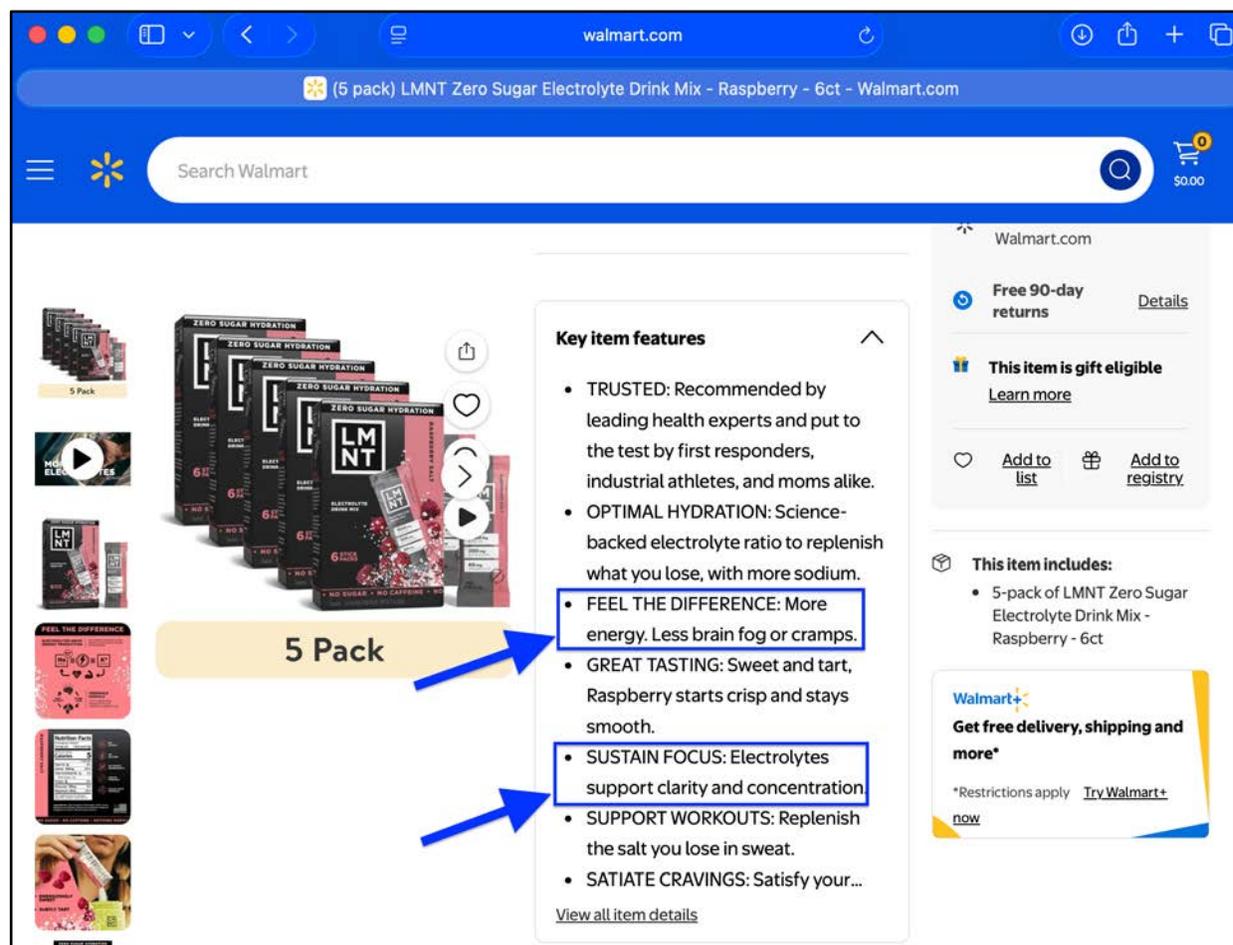
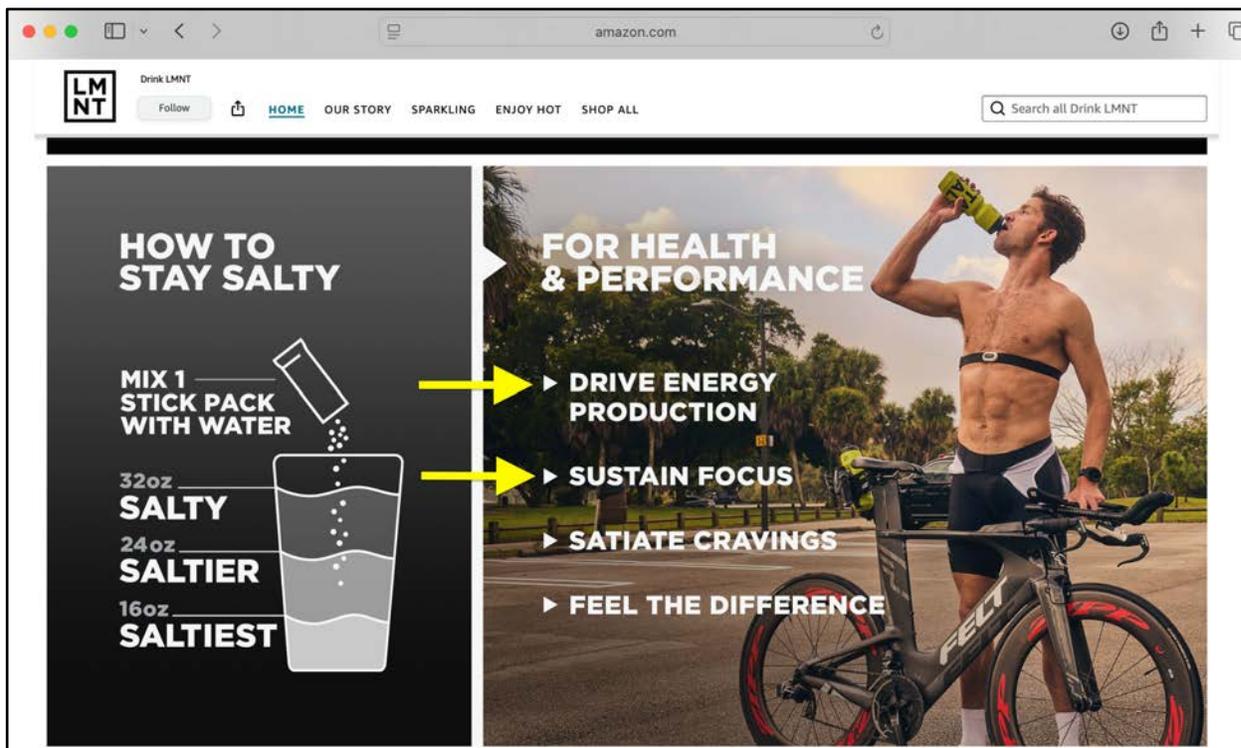
1 providing cognitive benefits, such as “brain fog” relief or “sustained focus,” it in  
2 fact contains ingredients, or a combination of ingredients, capable of producing  
3 those effects, consistent with the plain meaning of such representations and as those  
4 terms are commonly understood by reasonable consumers.

5 61. In the case of the Class Products, Defendants have prominently featured  
6 cognitive benefit representations, including claims of “brain fog” alleviation and  
7 “sustained focus,” in their marketing and advertising materials. These  
8 representations have been, and continue to be, repeated and disseminated by  
9 Defendants.

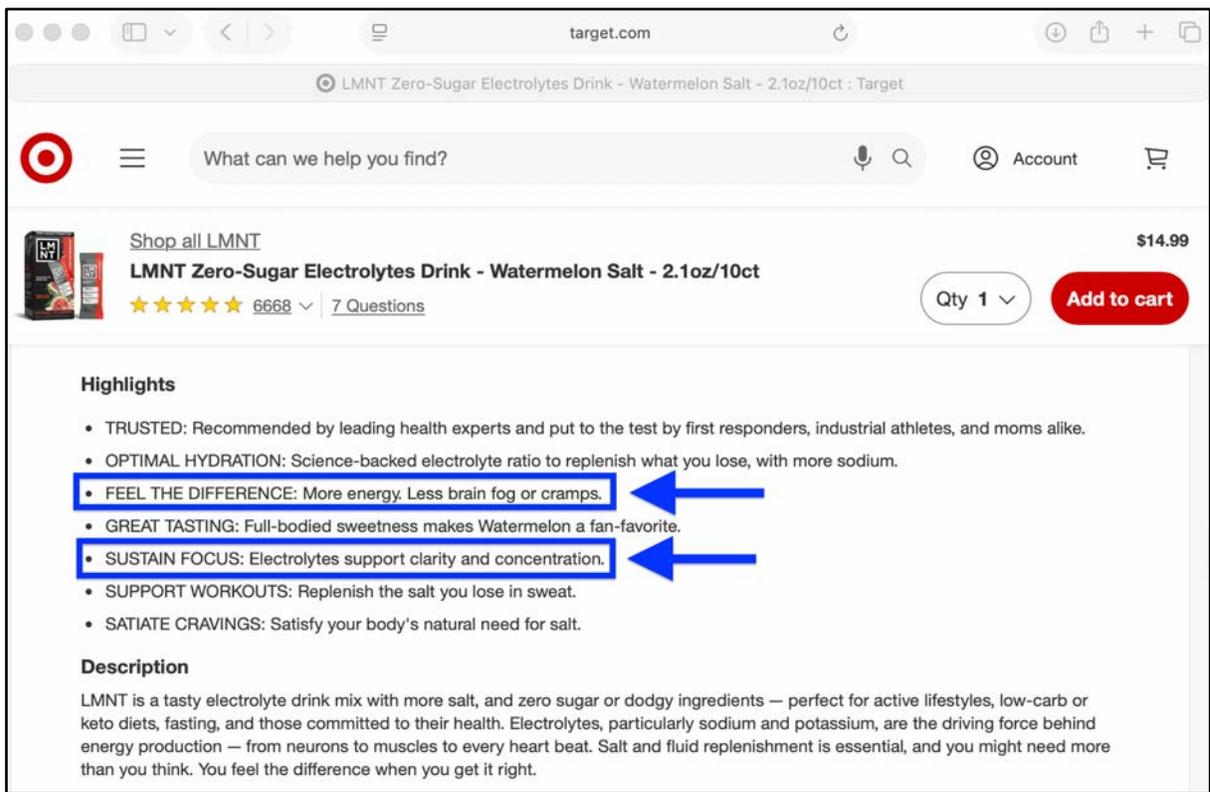
10 62. Below are non-exhaustive examples of the aforementioned representations  
11 appearing in the marketing of the Class Products.



KAZEROUNI  
LAW GROUP, APC



KAZEROUNI LAW GROUP, APC



63. Defendants’ false and misleading cognitive-benefit representations were intentionally designed to mislead consumers into believing that the Class Products provided meaningful improvements to brain function, including relief from “brain fog” and enhanced focus. These claims exploited consumer trust in product marketing and materially influenced purchasing decisions by suggesting the Class Products contained effective, science-backed nootropic ingredients. In truth, however, the Class Products contain no clinically proven ingredients, or combination of ingredients, capable of producing such cognitive benefits.

64. Defendants knew, or in the exercise of reasonable care should know, that their cognitive-benefit representations are false, misleading, and unsubstantiated. Despite the absence of competent and reliable scientific evidence demonstrating that the Class Products, or any of their ingredients, provide the advertised cognitive or nootropic effects, Defendants continue to make and disseminate these claims in order to maximize sales and gain an unfair competitive advantage.

1 Impermissible Claims for Conventional Foods

2 65. Under federal law, products labeled with a Nutrition Facts panel, such as the  
3 Class Products, are considered conventional foods, not dietary supplements. The  
4 FDCA and United States Food and Drug Administration (“FDA”) regulations  
5 impose distinct and more restrictive rules on health, and structure/function claims  
6 for conventional foods. Unlike dietary supplements, conventional foods *cannot*  
7 lawfully make structure/function or health claims that are not directly related to the  
8 product’s nutritive value or that imply therapeutic or disease-related benefits.<sup>15</sup>

9 66. Under FDA guidance, a “health claim” characterizes a relationship between  
10 a food substance and a disease or health-related condition and may appear on food  
11 labeling only if specifically authorized by the FDA through *pre-market review and*  
12 *approval*. Defendants have not sought or obtained any such FDA review,  
13 authorization or approval for the cognitive-benefit representations made in  
14 connection with the Class Products.<sup>16</sup>

15 67. The FDA distinguishes lawful nutritional content statements (e.g., “contains  
16 B-vitamins, which help convert food to energy”) from unlawful therapeutic or  
17 performance-related claims (e.g., “improves memory,” “sharpens focus,” or  
18 “relieves brain fog”) that imply disease-level or non-nutritive effects. Such claims  
19 are prohibited on foods because they either constitute unapproved health claims or  
20 impermissible drug claims.<sup>17</sup>

21 68. California’s consumer-protection statutes incorporate these same principles.  
22 The UCL, FAL, and CLRA each prohibit the marketing of products using false or  
23 misleading representations that would deceive a reasonable consumer. A business  
24 practice that violates the FDCA or its implementing regulations likewise constitutes  
25 an “unlawful” practice under the UCL and other applicable statutes.

26 <sup>15</sup> Compare 21 U.S.C. §§ 321(f), 343(a)(1), 343(r) with 21 C.F.R. § 101.93(f).

27 <sup>16</sup> See 21 C.F.R. § 101.70; see also 21 C.F.R. §§ 101.72–101.83

28 <sup>17</sup> See <https://www.fda.gov/food/nutrition-food-labeling-and-critical-foods/label-claims-conventional-foods-and-dietary-supplements>



1 69. Accordingly, to the extent Defendants’ Class Products bear a Nutrition Facts  
2 panel and are marketed as providing “focus,” “brain fog,” or other cognitive  
3 benefits, such claims are impermissible and deceptive under both federal and  
4 California law because they are (1) not substantiated by competent and reliable  
5 scientific evidence, (2) not authorized as lawful structure/function or health claims  
6 for foods, and (3) likely to mislead reasonable consumers regarding the Products’  
7 nature, composition, and efficacy.

8 Cognitive Claims Unsubstantiated Even if Classified as Supplements

9 70. Even if Defendants’ Class Products were classified as dietary supplements  
10 rather than conventional foods, Defendants’ cognitive-benefit representations  
11 would still be false and misleading. The Class Products lack ingredients that are  
12 generally recognized, or supported by competent and reliable scientific evidence,  
13 to improve “focus,” alleviate “brain fog,” or otherwise provide direct cognitive  
14 benefits, and therefore remain unsubstantiated and deceptive under both federal and  
15 California law.

16 71. The FDA requires that all statements made for dietary supplements, including  
17 structure/function claims, be truthful, not misleading, and substantiated by  
18 competent and reliable scientific evidence. According to the FDA’s Guidance for  
19 Industry: Substantiation for Dietary Supplement Claims Made Under Section  
20 403(r)(6) of the Federal Food, Drug, and Cosmetic Act<sup>18</sup>, manufacturers must  
21 possess adequate scientific support for each claimed benefit before dissemination.  
22 Such substantiation generally demands well-controlled human clinical studies,  
23 consistent with the totality of publicly available evidence, demonstrating that the  
24 supplement or its ingredients produce the represented physiological or functional  
25 effects.

26 \_\_\_\_\_  
27 <sup>18</sup> See [https://www.fda.gov/regulatory-information/search-fda-guidance-  
28 documents/guidance-industry-substantiation-dietary-supplement-claims-made-  
under-section-403r-6-federal-food](https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-substantiation-dietary-supplement-claims-made-under-section-403r-6-federal-food)



1 72. Defendants lack competent and reliable scientific evidence meeting this FDA  
2 standard. No well-controlled human clinical studies demonstrate that the  
3 ingredients in the Class Products, alone or in combination, produce any measurable  
4 improvement in cognitive performance, focus, or mental clarity. Defendants’  
5 marketing instead relies on anecdotes, and unsupported extrapolations, none of  
6 which satisfy the evidentiary threshold required to substantiate dietary supplement  
7 claims under federal law.

8 73. The Class Products, including those purchased by Plaintiffs, contain the same  
9 core ingredients, differing only in flavor profile. As represented on the Class  
10 Products’ labeling, the ingredients, listed in descending order by predominance,<sup>19</sup>  
11 are salt (sodium chloride), malic or citric acid, magnesium malate, potassium  
12 chloride, natural flavors, and stevia leaf extract. One variant, marketed as the “Raw  
13 Unflavored” product, omits malic and/or citric acid, natural flavors, and stevia leaf  
14 extract.

15 74. None of these ingredients are recognized by the scientific or regulatory  
16 community, whether individually or in combination, as capable of improving  
17 cognition, enhancing “focus,” or alleviating “brain fog” as that term is commonly  
18 understood by reasonable consumers. Salt, magnesium malate, and potassium  
19 chloride function primarily as electrolytes that support hydration and taste, not  
20 cognitive performance. Malic acid, citric acid, natural flavors, and stevia leaf extract  
21 serve flavoring, sweetening, and in some instances, may also serve a preservative  
22 role. Accordingly, nothing in the Class Products’ formulation could reasonably be  
23 expected to deliver the cognitive effects Defendants represent to consumers.

24 75. Compounds commonly described in the scientific literature as “nootropics”  
25 are generally understood to fall into recognized categories based on their chemical  
26 nature and their demonstrated physiological effects. These categories include,

27 \_\_\_\_\_  
28 <sup>19</sup> Federal regulations require that ingredients in a food product be listed on the label  
in descending order of predominance by weight. *See* 21 C.F.R. § 101.4(a).



1 among others: (a) classical nootropic compounds, typically synthetic substances or  
2 pharmacologic agents developed to directly affect cognitive function; (b)  
3 substances that increase brain metabolism or cerebral blood flow and are associated  
4 with demonstrated neurophysiological effects; (c) cholinergic substances, including  
5 acetylcholine precursors or related compounds that act on cholinergic pathways  
6 implicated in cognition; and (d) certain plants or plant-derived extracts that have  
7 been studied for potential cognitive effects based on identifiable bioactive  
8 constituents.<sup>20</sup> Across these categories, substances characterized as nootropics are  
9 distinguished by their mechanism of action, their recognized role in cognitive  
10 processes, and the existence of scientific evidence supporting their claimed effects.

11 76. The ingredients in the Class Products do not fall within any recognized class  
12 of substances described in scientific literature as nootropics. None of the Class  
13 Products' ingredients are classified as classical nootropic compounds, substances  
14 known to increase brain metabolism or cerebral blood flow, cholinergic agents, or  
15 plant-derived compounds with recognized cognitive activity. As a result, the Class  
16 Products' formulation bears no relationship to the categories of substances  
17 commonly associated with cognitive enhancement or nootropic effects.

18 77. Defendants' cognitive-benefit marketing exploits consumer familiarity with  
19 the concept of nootropics and other substances commonly associated with mental  
20 performance, focus, and clarity, while omitting the material fact that the Class  
21 Products contain none of the types of ingredients recognized as capable of  
22 producing such effects. Reasonable consumers understand claims related to  
23 cognition, focus, or mental energy to signal the presence of ingredients capable of  
24 providing cognitive-enhancement. By making express cognitive representations  
25 without disclosing that the Class Products fall entirely outside of recognized  
26 categories of cognitive-enhancing ingredients, Defendants create a misleading net

27 \_\_\_\_\_  
28 <sup>20</sup> See Malík, M. & Tlustoš, P., *Nootropics as Cognitive Enhancers: Types, Dosage and Side Effects of Smart Drugs*, 14 NUTRIENTS 3367 (2022).



1 impression that the products possess attributes they do not have.

2 78. Even if that magnesium or potassium intake could have some attenuated or  
3 indirect relationship to cognitive performance, neither nutrient is present in the  
4 Class Products in functionally meaningful amounts. Defendants' own Nutrition  
5 Facts labeling confirms the implausibility of any claimed cognitive effects and  
6 contradicts the net impression created by Defendants' marketing.

7 79. Per serving, the Class Products provide only 60 milligrams of magnesium,  
8 representing 15 percent of the Daily Value, and just 200 milligrams of potassium,  
9 representing 4 percent of the Daily Value.<sup>21</sup> These amounts constitute minor  
10 nutritional contributions, not full or performance-relevant daily doses of either  
11 nutrient, and are insufficient to produce any meaningful cognitive effects, even  
12 assuming *arguendo* that such effects could be associated with either nutrient. The  
13 minimal Daily Value percentages disclosed on the label underscore that the Class  
14 Products are formulated for basic electrolyte replenishment rather than mental  
15 performance, and further demonstrate that Defendants' cognitive benefit  
16 representations are misleading when viewed in light of the products' actual  
17 composition.

18 80. Salt, which is the primary ingredient in the Class Products, likewise cannot  
19 plausibly support Defendants' cognitive or energy representations. A general  
20 review of the scientific literature, including observational human studies as well as  
21 animal research, reflects associations between increased sodium intake and adverse  
22 cognitive outcomes or cognitive impairment, while no credible body of scientific  
23 evidence demonstrates that sodium consumption confers cognitive benefits,  
24

25 <sup>21</sup> The Daily Value ("DV") is a reference amount established by federal authorities  
26 to indicate the recommended total daily intake of a nutrient for purposes of nutrition  
27 labeling. For adults and children four years of age and older, the DV is 420  
28 milligrams per day for magnesium and 4,700 milligrams per day for potassium. See  
[Office of Dietary Supplements, National Institutes of Health, Daily Values, https://ods.od.nih.gov/HealthInformation/dailyvalues.aspx#](https://ods.od.nih.gov/HealthInformation/dailyvalues.aspx#).

1 enhances focus, or alleviates “brain fog.”<sup>22</sup> Thus, even setting aside the  
2 insufficiency of the Class Products’ other ingredients, the prominence of salt in the  
3 formulation further underscores the implausibility and deceptiveness of  
4 Defendants’ cognitive benefit claims.

5 81. Any suggestion by Defendants that the Class Products’ high sodium content  
6 could plausibly support cognitive benefits by addressing sodium insufficiency is  
7

8 <sup>22</sup> See Giuseppe Faraco *et al.*, *Dietary Salt Promotes Cognitive Impairment Through*  
9 *Tau Phosphorylation*, 574 NATURE 686 (2019) (“These findings identify a causal  
10 link between dietary salt, endothelial dysfunction and tau pathology, independent  
11 of haemodynamic insufficiency. Avoidance of excessive salt intake and  
12 maintenance of vascular health may help to stave off the vascular and  
neurodegenerative pathologies that underlie dementia in the elderly.”);

13 Giuseppe Faraco *et al.*, *Dietary Salt Promotes Neurovascular and Cognitive*  
14 *Dysfunction Through a Gut-Initiated TH17 Response*, 21 NAT. NEUROSCI. 240  
15 (2018) (“A diet rich in salt is linked to an increased risk of cerebrovascular diseases  
and dementia, but it remains unclear how dietary salt harms the brain.”);

16 Fang Sun *et al.*, *The Impact of Salt Consumption on Cardiometabolic and Cognitive*  
17 *Health in Aged Female Rats*, 14 SCI. REP. 25363 (2024) (“Salt is a common  
18 component of modern diets globally. The average global dietary salt intake is 12 g  
19 per day, approximately 2.5 times the recommended 5 g daily. Excessive dietary salt  
20 intake has been associated with hypertension and increased risk of cardiovascular  
disease and cognitive impairment.”);

21 Weike Liu *et al.*, *Excessive Dietary Salt Intake Exacerbates Cognitive Impairment*  
22 *Progression and Increases Dementia Risk in Older Adults*, 24 J. AM. MED. DIR.  
23 ASS’N 125 (2023) (“Excessive dietary salt impairs cognitive function and increases  
24 cognitive impairment risk in older adults independently of known risk factors,  
including hypertension and APOE genotype.”);

25 Monica M. Santisteban & Costantino Iadecola, *Hypertension, Dietary Salt and*  
26 *Cognitive Impairment*, 38 J. CEREBRAL BLOOD FLOW & METABOLISM 2112 (2018)  
27 (“Recent evidence indicates that high dietary salt may also induce cognitive  
28 impairment. Contrary to previous belief, the effect is not necessarily associated with  
hypertension and is mediated by a deficit in endothelial nitric oxide.”).

1 inconsistent with prevailing dietary conditions in the United States. Sodium  
2 consumption among the general population is widely understood to be abundant,  
3 and frequently excessive, as reflected in dietary patterns shaped by processed and  
4 packaged foods.<sup>23</sup> In this context, the addition of substantial sodium through the  
5 Class Products does not reasonably correspond to a cognitive or energy benefit for  
6 ordinary consumers, and instead further underscores the disconnect between  
7 Defendants’ marketing representations and the nutritional realities of the products  
8 as formulated.

9 82. Accordingly, Defendants’ marketing of the Class Products as providing  
10 “focus,” alleviating “brain fog,” or delivering other cognitive benefits, while

---

11 <sup>23</sup> See Ahmed M., Ng A.P., Christoforou A., Mulligan C. & L’Abbé M.R., *Top*  
12 *Sodium Food Sources in the American Diet - Using National Health and Nutrition*  
13 *Examination Survey*, 15 NUTRIENTS 831 (2023) (“Nearly 90% of Americans  
14 consume sodium at levels which exceed amounts recommended by the 2015–2020  
15 Dietary Guidelines for Americans.”).

16 Centers for Disease Control & Prevention, *Get the Facts: Sodium and the Dietary*  
17 *Guidelines* (Oct. 2017) (“The 2015-2020 Dietary Guidelines for Americans  
18 recommend that Americans consume less than 2,300 milligrams (mg) of sodium  
19 per day as part of a healthy eating pattern. Based on these guidelines, the vast  
20 majority of adults eat more sodium than they should – an average of more than  
21 3,400 mg each day.”);

22 U.S. Food & Drug Administration, *Sodium in Your Diet: Use the Nutrition Facts*  
23 *Label and Reduce Your Intake* (last updated Mar. 5, 2024),  
[https://www.fda.gov/food/nutrition-education-resources-materials/sodium-your-](https://www.fda.gov/food/nutrition-education-resources-materials/sodium-your-diet)  
24 [diet](https://www.fda.gov/food/nutrition-education-resources-materials/sodium-your-diet) (“The food supply contains too much sodium and Americans who want to  
25 consume less sodium can have a difficult time doing so.”);

26 American Medical Association, *What Doctors Wish Patients Knew About Sodium*  
27 *Consumption* (Aug. 15, 2025), [https://www.ama-assn.org/public-](https://www.ama-assn.org/public-health/prevention-wellness/what-doctors-wish-patients-knew-about-sodium-consumption)  
28 [health/prevention-wellness/what-doctors-wish-patients-knew-about-sodium-](https://www.ama-assn.org/public-health/prevention-wellness/what-doctors-wish-patients-knew-about-sodium-consumption)  
consumption (“‘The average American consumes about 3,400 milligrams of sodium  
a day, which is a lot,’ said Dr. Morton. ‘This is compared to the recommended  
amount of 2,300 milligrams.’ What is alarming is that ‘many may not realize they  
consume too much sodium,’ Dr. Egan said.”).



1 knowingly formulating them without any scientifically recognized nootropic  
2 ingredients, is false, deceptive, and misleading to reasonable consumers. The  
3 absence of such ingredients directly contradicts Defendants' express cognitive  
4 claims and violates consumer trust, federal and California law, and applicable  
5 regulatory standards.

6 83. Upon information and belief, in addition to misleading consumers such as  
7 Plaintiff Gianne, Defendants' false cognitive claims have also misled influencers,  
8 advertisers, and marketing partners, who in turn promoted the Class Products using  
9 the same deceptive representations, thereby amplifying and perpetuating  
10 Defendants' false advertising. This chain of deception, initiated and maintained by  
11 Defendant, continues to this day.

12 84. Upon information and belief, journalists, product reviewers, and other media  
13 outlets were likewise misled by Defendants' false and deceptive labeling, thereby  
14 contributing to the widespread public dissemination of Defendants' false narrative  
15 regarding the Class Products' purported cognitive benefits.

16 85. As a result of Defendants' false cognitive-benefit claims, the Class Products  
17 have obtained an unfair competitive advantage across digital marketing channels,  
18 including social media platforms, search engine algorithms, online retail  
19 marketplaces such as Amazon, and even word of mouth. Defendants' deceptive  
20 representations artificially inflated consumer demand, boosted search visibility, and  
21 diverted sales from competing products that did not employ false or misleading  
22 advertising.

23 86. This deceptive marketplace positioning has harmed both consumers and  
24 honest competitors operating in the same market, including competing electrolyte  
25 products such as Liquid I.V.,<sup>24</sup> Nuun,<sup>25</sup> and others. By falsely representing the Class  
26 Products as offering cognitive benefits, Defendants unfairly diverted consumer

27 \_\_\_\_\_  
28 <sup>24</sup> See <https://www.liquid-iv.com>

<sup>25</sup> See <https://nuunlife.com/>



1 attention and sales from competitors that market their products truthfully and in  
2 compliance with applicable law.

3 87. The full scope and impact of this deceptive marketing are uniquely within  
4 Defendants’ possession and control, including records maintained by third-party  
5 marketing agents and platforms acting on their behalf. Accordingly, Plaintiffs  
6 cannot ascertain or allege the complete extent of Defendants’ misrepresentations  
7 without the benefit of discovery.

8 88. Defendants possess superior knowledge of the true facts, which were not  
9 disclosed, thereby tolling the applicable statute of limitations.

10 89. Defendants’ false and deceptive cognitive benefit claims misled consumers  
11 into purchasing products that failed to meet their reasonable expectations. This  
12 deception resulted in financial harm and eroded trust in product marketing. As a  
13 consequence, consumers, including Plaintiff Gianne, did not receive the cognitive  
14 supporting products they believed they were purchasing, nor did they receive the  
15 benefits associated with such representations. Instead, they paid a premium for a  
16 product that failed to deliver the promised cognitive benefits.

17 90. Upon information and belief, Defendants either charged a premium for the  
18 Class Products compared to their competitors or gained a significant competitive  
19 advantage by misleading consumers into choosing their products over others based  
20 on false “focus,” “brain fog,” and other cognitive benefits claims. Federal and  
21 California laws are specifically designed to protect consumers from such false,  
22 deceptive, misleading, and unlawful representations, as well as from predatory  
23 business practices that unfairly manipulate consumer choice.

24 **B. False U.S. Origin Claims**

25 91. Defendants produce, market, advertise, distribute and sell the Class Products,  
26 including the Products purchased by Plaintiffs, as “Made in the USA” and/or  
27 “Manufactured in the USA,” without clear and adequate qualification.

28 92. The MUSA Rule clearly defines the meaning of “Made in the United States”

1 or any synonymous representations<sup>26</sup> and outlines when such designations may be  
2 used without qualification. Specifically, clear and adequate qualifications must  
3 notify consumers if the good or service contains or is made with ingredients or  
4 components that are not made or sourced in the United States.<sup>27</sup>

5 93. California Business and Professions Code § 17533.7 generally parallels the  
6 federal “Made in USA” standard by prohibiting the sale or advertisement of any  
7 product labeled or represented as “Made in the United States” when the product or  
8 any of its components has been entirely or substantially made, manufactured, or  
9 produced outside the United States. The statute thus incorporates the same  
10 consumer-protection principles underlying the federal MUSA Rule, ensuring that  
11 such origin claims are truthful, not misleading, and adequately qualified where  
12 foreign-sourced materials are used.

13 94. Despite the clearly established and well-defined federal and state laws and  
14 regulations, including consumer protection laws, regarding U.S. origin claims,  
15 Defendants falsely, unfairly and deceptively advertise, market and sell the Class  
16 Products, including the Products purchased by Plaintiffs, as “Made in the USA”  
17

---

18 <sup>26</sup> See 16 C.F.R. § 323.1(a) (“**The term Made in the United States means any**  
19 **unqualified representation**, express or implied, **that a product or service**, or a  
20 specified component thereof, **is of U.S. origin, including**, but not limited to, a  
21 representation that such product or service is “**made,**” “**manufactured,**” “**built,**”  
22 “**produced,**” “**created,**” or “**crafted**” **in the United States** or in America, or any other  
unqualified U.S.-origin claim.”) (emphasis added).

23 <sup>27</sup> See 16 C.F.R. § 323.2 Prohibited Acts (“In connection with promoting or offering  
24 for sale any good or service, in or affecting commerce as “commerce” is defined in  
25 section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, **it is an unfair or**  
26 **deceptive act or practice** within the meaning of section 5(a)(1) of the Federal  
27 Trade Commission Act, 15 U.S.C. 45(a)(1), **to label any product as Made in the**  
28 **United States unless** the final assembly or processing of the product occurs in the  
United States, **and all or virtually all ingredients or components of the product**  
**are made and sourced in the United States.** (emphasis added).

1 and/or “Manufactured in the USA,” without clear and adequate qualification  
2 informing consumers of the presence of foreign ingredients and/or components as  
3 further discussed herein.

4 95. Despite their unqualified “Made in the USA” representations, the Class  
5 Products are made using numerous ingredients and components that are neither  
6 domestically grown, sourced, nor produced.

7 96. For the Class Products, Defendants’ unqualified U.S. origin claim appears on  
8 product labeling and packaging in contrasting text stating “Made in the USA,”  
9 and/or “Manufactured in the USA,” and is set apart from surrounding wording,  
10 thereby reinforcing the message that the Class Products and their ingredients are of  
11 U.S. origin. The same unqualified claim also appears in Defendants’ marketing and  
12 advertising for the Class Products, including on third-party reseller websites. In  
13 some instances, the “Made in the USA” text is accompanied by prominent  
14 iconography of the American flag, further amplifying the U.S. origin message  
15 conveyed to consumers.

16 97. Below are non-exhaustive examples of the aforementioned representation  
17 regarding the Class Products:  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**WATERMELON SALT**

**Nutrition Facts**  
30 servings per container  
Serving size 1 stick pack (6g)  
Amount Per Serving  
**Calories 5**

	% Daily Value*
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	0%
Cholesterol 0mg	0%
Sodium 1000mg	43%
Total Carbohydrate 1g	1%
Dietary Fiber <1g	2%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 0g	0%
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 200mg	4%
Magnesium 60mg	15%

\*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used as a general nutrition guide.

**INGREDIENTS:** Salt (Sodium Chloride), Malic Acid, Magnesium Malate, Potassium Chloride, Natural Watermelon Flavor, Stevia Leaf Extract.

Manufactured in the USA / Distributed by: DRINK LMNT, INC., Big Sky, MT 59730

**NO SUGAR**  
**NO GLUTEN**  
**NO DODGY INGREDIENTS**  
**VEGAN FRIENDLY**  
**PALEO-KETO FRIENDLY**

## LMNT Zero-Sugar Electrolytes

★★★★★ 63983 Reviews

As our most fruit-forward flavor, Watermelon's full-bodied sweetness makes it a fan-favorite for adults, and especially beloved by kids.

[View Ingredients List](#)

**Choose Your Flavor:**

- Citrus Salt
- Grapefruit Salt
- Watermelon Salt
- Orange Salt
- Raspberry Salt
- Raw Unflavored
- Mango Chili
- Chocolate Salt
- Chocolate Caramel
- Lemonade Salt

KAZEROUNI LAW GROUP, APC

**CHOCOLATE CARAMEL**

**Nutrition Facts**  
30 servings per container  
Serving size 1 stick pack (6g)  
Amount Per Serving  
**Calories 5**

	% Daily Value*
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 1000mg	43%
Total Carbohydrate 1g	1%
Dietary Fiber < 1g	2%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 0g	0%
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 200mg	4%
Magnesium 60mg	15%

**NO SUGAR**  
**NO GLUTEN**  
**NO DODGY INGREDIENTS**  
**VEGAN FRIENDLY**  
**PALEO-KETO FRIENDLY**

**INGREDIENTS:** Salt (Sodium Chloride), Cocoa Powder, Magnesium Malate, Potassium Chloride, Natural Chocolate Flavor, Natural Caramel Flavor, Stevia Leaf Extract

Manufactured in the USA / Distributed by: DRINK LMNT, INC., Big Sky, MT 59730

**LMNT Zero-Sugar Electrolytes**  
★★★★★ 63983 Reviews

Best enjoyed hot! Chocolate Caramel combines the rich flavor of Chocolate Salt with a sweet caramel finish. Swirl it into your morning coffee for a zero-sugar mocha — or cozy up and wind down with a salted caramel hot cocoa.

[View Ingredients List](#)

**Choose Your Flavor:**

- Citrus Salt
- Grapefruit Salt
- Watermelon Salt
- Orange Salt
- Raspberry Salt
- Raw Unflavored
- Mango Chili
- Chocolate Salt
- Chocolate Caramel
- Lemonade Salt

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

drinklmt.com

**LMNT**

**LEMONAIDE SALT**

**Nutrition Facts**  
30 servings per container  
Serving size 1 stick pack (6g)  
Amount per serving  
**Calories 5**  
% Daily Value  
Total Fat 0g 0%  
Sodium 1000mg 43%  
Total Carbohydrate 1g 1%  
Total Sugars 0g  
Protein 0g 0%  
Potassium 200mg 4%  
Magnesium 60mg 15%

NO SUGAR  
NO GLUTEN  
NO DODGY INGREDIENTS  
VEGAN FRIENDLY  
PALEO-KETO FRIENDLY

Ingredients: Salt (Sodium Chloride), Citric Acid, Magnesium Malate, Potassium Chloride, Natural Lemon Flavor, Stevia Leaf Extract.  
MADE IN THE USA

**NO SUGAR • NO CAFFEINE • NOTHING DODGY**

**LMNT Zero-Sugar Electrolytes**  
★★★★★ 63983 Reviews

Your new summer squeeze. Lemonade Salt refreshes with a revitalizing balance of sweet and tart, just like you remember it growing up. Enjoy while supplies last because Lemonade Salt is here for a limited time.

[View Ingredients List](#)

**Choose Your Flavor:**

- Citrus Salt
- Grapefruit Salt
- Watermelon Salt
- Orange Salt
- Raspberry Salt
- Raw Unflavored
- Mango Chili
- Chocolate Salt
- Chocolate Caramel
- Lemonade Salt

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

KAZEROUNI  
LAW GROUP, APC

KAZEROUNI LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**WATERMELON SALT**

**Nutrition Facts**  
30 servings per container  
Serving size 1 stick pack (6g)

Amount Per Serving	
<b>Calories</b>	<b>5</b>
Total Fat 0g	% Daily Value* 0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 1000mg	43%
Total Carbohydrate 1g	1%
Dietary Fiber <1g	2%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 0g	0%
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 200mg	4%
Magnesium 60mg	15%

**NO SUGAR**  
**NO GLUTEN**  
**NO DODGY INGREDIENTS**  
**VEGAN FRIENDLY**  
**PALEO-KETO FRIENDLY**

**INGREDIENTS:** Salt (Sodium Chloride), Malic Acid, Magnesium Malate, Potassium Chloride, Natural Watermelon Flavor, Stevia Leaf Extract.

Manufactured in the USA / Distributed by:  
DRINK LMNT, INC., Big Sky, MT 59730

**Nutrition Facts**  
12 servings per container  
Serving size 1 stick pack

	Citrus Salt (6g)	Raspberry Salt (6g)	Orange Salt (6g)	Watermelon Salt (6g)
<b>Calories</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>5</b>
Total Fat 0g	0%	0%	0%	0%
Saturated Fat 0g	0%	0%	0%	0%
Trans Fat 0g	0%	0%	0%	0%
Cholesterol 0mg	0%	0%	0%	0%
Sodium 1000mg	43%	43%	43%	43%
Total Carbohydrate 2g	1%	1%	1%	<1g
Dietary Fiber 0g	0%	0%	0%	0%
Total Sugars 0g	0%	0%	0%	0%
Includes Added Sugars 0g	0%	0%	0%	0%
Protein 0g	0%	0%	0%	0%
Vitamin D 0mcg	0%	0%	0%	0%
Calcium 0mg	0%	0%	0%	0%
Iron 0mg	0%	0%	0%	0%
Potassium 200mg	4%	4%	4%	4%
Magnesium 60mg	15%	15%	15%	15%

**INSTRUCTIONS:** Mix 1 stick pack with anywhere from 16 to 32oz of water to find your taste. You'll get the hang of it pretty quickly. Stay salty.

**Ingredients:** Salt (Sodium Chloride), Citric Acid, Magnesium Malate, Potassium Chloride, Natural Flavors, Stevia Leaf Extract.

Manufactured in the USA | Distributed by: DRINK LMNT, INC., Big Sky, MT 59730

KAZEROUNI LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**amazon** Deliver to Costa Mesa 92626 Health, Household & Baby Care Search Amazon

Health & Personal Care Household Supplies Vitamins & Diet Supplements Baby & Child Care Health Care Sports Nutrition Sexual Wellness Health & Wellness Medical Supplies & Equipment FSA Eligible Items

**Unleashing the Power of Balanced Electrolytes**

Health & Household > Diet & Sports Nutrition > Sports Nutrition > Electrolyte Replacements

**LMNT Sparkling Electrolyte Drink - Variety Pack | 12-Count**  
Visit the Drink LMNT Store  
4.4 ★★★★★ 1,043 ratings | Search this page  
10K+ bought in past month

**\$32.99** (\$0.17 / Fl Oz)

Get Fast, Free Shipping with Amazon Prime  
Get a \$50 Amazon Gift Card instantly upon approval for Amazon Visa. No annual fee.

Flavor Name: **Variety Pack**

<b>Black Cherry Lime</b> \$30.99 (\$0.16 / Fl Oz)	<b>Citrus Salt</b> \$30.99 (\$0.16 / Fl Oz)	<b>Grapefruit Salt</b> \$30.99 (\$0.16 / Fl Oz)	<b>Variety Pack</b> \$32.99 (\$0.17 / Fl Oz)
--	--	--	---

**Watermelon Salt**  
\$30.99 (\$0.16 / Fl Oz)

**Brand:** Drink LMNT  
**Flavor:** Variety Pack  
**Primary Supplement Type:** Magnesium, Potassium  
**Unit Count:** 192.0 Fl Oz  
**Item Form:** Can  
**Item Weight:** 192 Ounces

**Nutrition Facts**  
Serving size 1 can (16oz)  
Amount per serving  
**Calories 5**  
% Daily Value  
Total Fat 0g 0%  
Cholesterol 0mg 0%  
Sodium 1000mg 43%  
Total Carbohydrate 1g 1%  
Total Sugars 0g  
Protein 0g 0%  
Potassium 200mg 4%  
Magnesium 60mg 15%  
\*% DV = % Daily Value

**Ingredients:** Sparkling Water, Salt (Sodium Chloride), Citric Acid, Malic Acid, Magnesium Malate, Potassium Chloride, Natural Black Cherry & Lime Flavors, Stevia Leaf Extract.  
Sparkling Water, Salt (Sodium Chloride), Citric Acid, Magnesium Malate, Potassium Chloride, Natural Grapefruit Flavor, Stevia Leaf Extract.  
Sparkling Water, Salt (Sodium Chloride), Citric Acid, Magnesium Malate, Potassium Chloride, Natural Lemon & Lime Flavors, Stevia Leaf Extract.  
Sparkling Water, Salt (Sodium Chloride), Malic Acid, Magnesium Malate, Potassium Chloride, Natural Watermelon Flavor, Stevia Leaf Extract.

**NO SUGAR**  
**NO GLUTEN**  
**NO DODGY INGREDIENTS**  
**VEGAN FRIENDLY**  
**PALEO-KETO FRIENDLY**

No Sugar • No Caffeine  
DISTRIBUTED BY DRINK LMNT, INC., BOSTON, MA 02114

Roll over image to zoom in

target.com

**LMNT Zero Sugar Lemonade Sparkling Electrolyte Drink - 4pk/12 fl oz : Target**

What can we help you find? Account

**Explore more Wellness**

Shop all LMNT

**LMNT Zero Sugar Lemonade Sparkling Electrolyte Drink - 4pk/12 fl oz**  
★★★★★ 20 | 1 Question  
**\$9.99** (\$0.21/fluid ounce)

**Pickup** Ready within 2 hours  
**Delivery** Check availability  
**Shipping** Not available

Pick up at **Costa Mesa** Check other stores  
Ready within 2 hours for pickup inside the store

**FEEL THE DIFFERENCE**

Qty 1 Add to cart

**Nutrition Facts**  
Serving size 1 can (12oz)  
Amount per serving  
**Calories 5**  
% Daily Value  
Total Fat 0g 0%  
Sodium 500mg 22%  
Total Carbohydrate <1g 0%  
Total Sugars 0g  
Protein 0g 0%  
Potassium 100mg 2%  
Magnesium 30mg 8%  
Not a significant source of cholesterol, dietary fiber, vitamin D, calcium and iron.

**Ingredients:** Sparkling Water, Salt (Sodium Chloride), Citric Acid, Natural Lemon Flavor, Magnesium Malate, Potassium Chloride, Stevia Leaf Extract.

**NO SUGAR**  
**NO GLUTEN**  
**NO DODGY INGREDIENTS**  
**VEGAN FRIENDLY**  
**PALEO-KETO FRIENDLY**

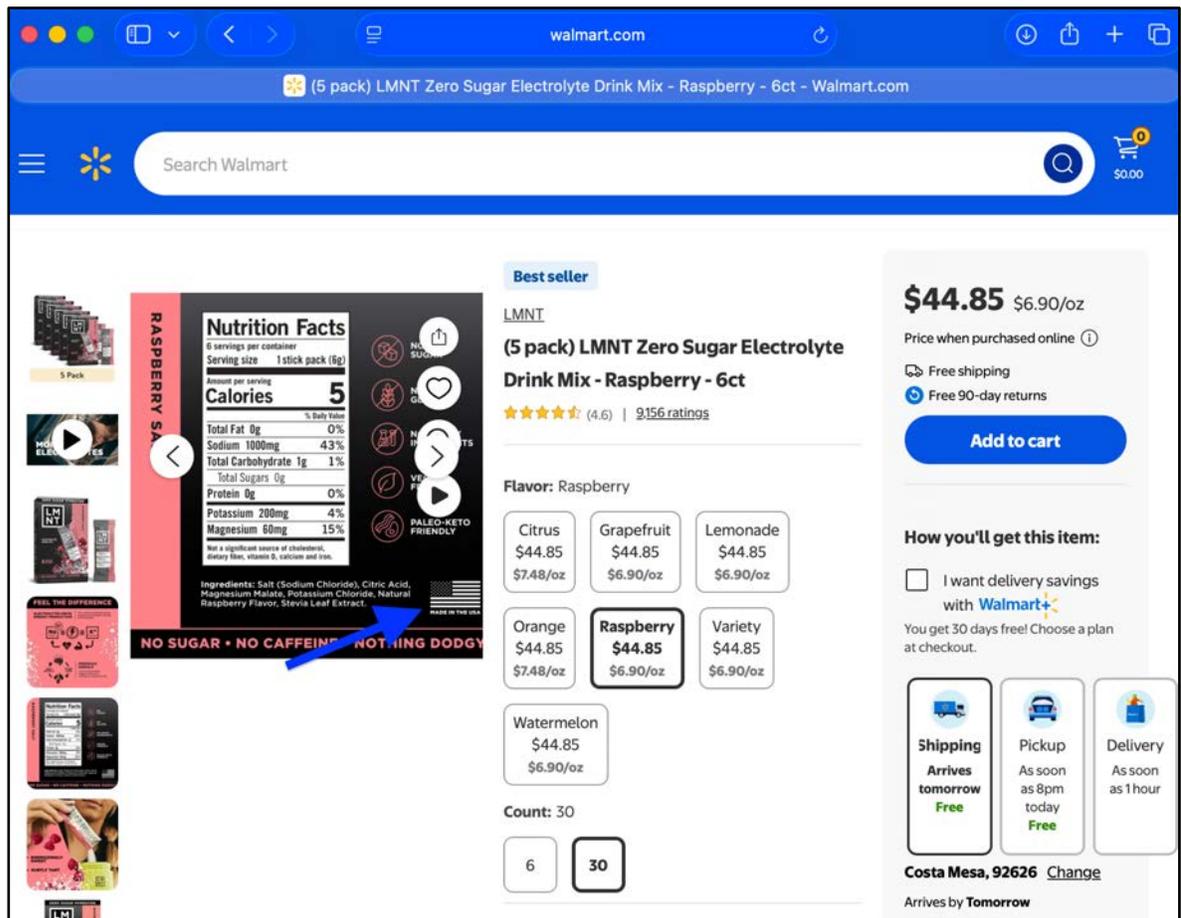
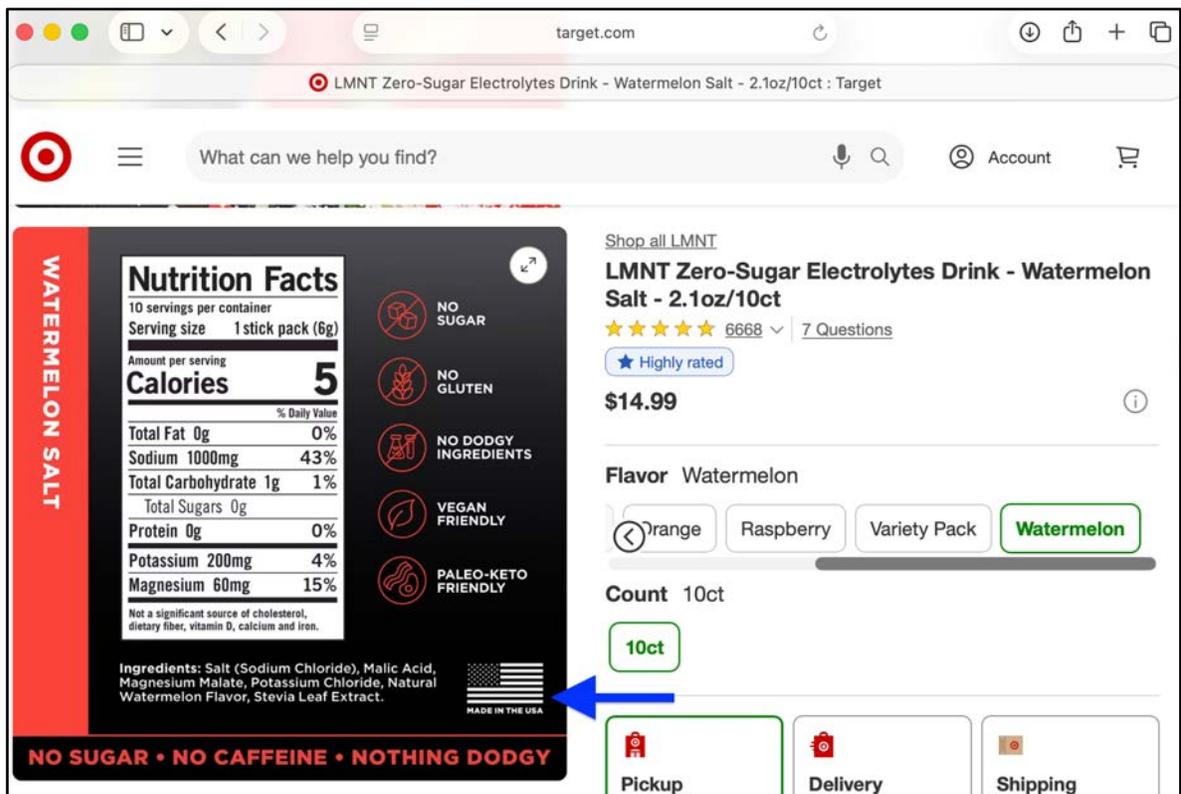
KAZEROUNI  
LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The screenshot shows a web browser window with the URL target.com. The page title is "LMNT Zero Sugar Lemonade Sparkling Electrolyte Drink - 4pk/12 fl oz : Target". The Target logo is visible in the top left. A search bar contains the text "What can we help you find?". The product is "LMNT Zero Sugar Lemonade Sparkling Electrolyte Drink - 4pk/12 fl oz" priced at \$9.99 (\$0.21/fluid ounce). It has a 4.5-star rating from 20 reviews and 1 question. The "Add to cart" button is highlighted in red. The "Specifications" section is expanded, listing the following details:

- Features: No Artificial Colors, No Artificial Preservatives, No Added Sugar
- Form: Liquid
- State of Readiness: Ready to Drink
- Package Quantity: 4
- Caffeine claim: Non-Caffeinated
- Net weight: 48 fl oz (US)
- TCIN: 94670728
- UPC: 810183490396
- Item Number (DPCI): 203-75-0300
- Origin: Made in the USA

A blue arrow points to the "Origin: Made in the USA" text.



KAZEROUNI LAW GROUP, APC

1 98. Defendants’ unqualified U.S. origin representations are prominently and  
2 consistently displayed in the same location on the packaging of each type of Class  
3 Product.

4 99. As a result of the “Made in the USA” and “Manufactured in the USA”  
5 representations on the Class Products’ packaging and in their advertising, online  
6 retailers have further propagated this misrepresentation through their websites’  
7 product pictures and descriptions, in addition to continuing to sell the Class  
8 Products with unqualified “Made in the USA” (or similar) misrepresentations on  
9 their shelves, where applicable.<sup>28</sup>

10 100. As a result of the unqualified U.S. origin claims on the Class Products’  
11 packaging and marketing, consumers have been misled for years, leading to both  
12 initial and repeat purchases of products they believed were made in the United  
13 States with ingredients and components sourced from the United States.

14 101. Despite the prominent and unqualified claim that the Class Products were  
15 “Made in the USA” and/or “Manufactured in the USA,” they are made with foreign  
16 ingredients, a fact that is not properly disclosed on the label, as the MUSA Rule and  
17 California law, including the CA MUSA Rule, require.

18 102. For example, the Products purchased by Plaintiffs each contain stevia leaf  
19 extract, an essential, low/no calorie, sugar-free sweetening ingredient that is not  
20 sourced from the United States.<sup>29</sup> Stevia is central to Defendants’ formulation and

21 \_\_\_\_\_  
22 <sup>28</sup> For illustrative examples of Defendants’ “Made in the USA” (or similar) claims  
23 appearing on Target.com and Walmart.com sales pages, *see* ¶ 97, *supra*.

24 <sup>29</sup> In 2023, the U.S.-based sweetener brand Splenda announced that it had become  
25 the first commercial grower and processor to cultivate, harvest, and extract stevia  
26 in the United States for use as a sweetener. Upon information and belief, this  
27 production is dedicated exclusively to Splenda’s own products and is not available  
28 to other manufacturers. *See Splenda Stevia Farm Announces Official Operation of  
Its Fully Integrated U.S.-Based Stevia Farm, Building a New American Industry*,  
PR Newswire (Mar. 7, 2023), available at <https://www.prnewswire.com/news-releases/splenda-stevia-farm-announces-official-operation-of-its-fully-integrated->



1 marketing of the Class Products as “zero sugar” electrolyte beverages, and its  
2 inclusion is a core component of the Products’ value and appeal to consumers  
3 seeking low calorie and carbohydrate, sugar-free hydration.

4 103. Stevia is a high-intensity sweetener derived from the leaves of the *Stevia*  
5 *rebaudiana* plant. It is used as a sugar substitute because it provides sweetness  
6 without adding calories and is commonly included in nutritional powders,  
7 beverages, and other food products marketed as “zero- or low-calorie.” Without this  
8 ingredient, the Class Products could not achieve their sweetness profile without  
9 added sugars or calories, making stevia essential to the consumer value,  
10 formulation, and marketing of the Class Products.

11 104. The importance of stevia to the Class Products’ consumer appeal and value  
12 is evident from Defendants’ pervasive promotion of their “no sugar” and “zero  
13 sugar” attributes. Defendants feature these claims prominently on product  
14 packaging, throughout their website, including their website’s main page title bar,  
15 and across other advertising channels. Defendants position the absence of sugar as  
16 a defining benefit of the Class Products, appealing to consumers seeking healthier  
17 hydration options without added sugars or calories. This sustained emphasis  
18 underscores the material role of stevia as the ingredient that enables the Class  
19 Products to deliver their purported “zero sugar” benefits while maintaining a  
20 palatable and pleasing flavor.<sup>30</sup> The Class Products’ “zero sugar” and “low carb”

21 \_\_\_\_\_  
22 [us-based-stevia-farm-building-a-new-american-industry-301763822.html](https://www.us-based-stevia-farm-building-a-new-american-industry-301763822.html); see also  
23 *History of Stevia*, International Stevia Council, available at  
24 <https://internationalsteviacouncil.org/about-stevia/history-of-stevia/> (“Today, the  
25 plant is primarily grown commercially in South America and Asia for the sweet  
26 components in its leaves.”).

27 <sup>30</sup> Importantly, the inclusion of stevia leaf extract as a zero calorie sweetener  
28 mitigates and balances the strong salty flavor of the flavored Class Products, thereby  
providing significant value to consumers who would otherwise be unwilling to  
consume an electrolyte product with added sugar, added calories, or an unpalatably  
salty taste. The material impact of stevia on consumer preference and product

1 positioning creates a substantial differentiation from conventional electrolyte  
2 products, including well-known brands such as Gatorade and Powerade. Non-  
3 exhaustive examples of Defendants’ marketing emphasizing these claims are shown  
4 below.

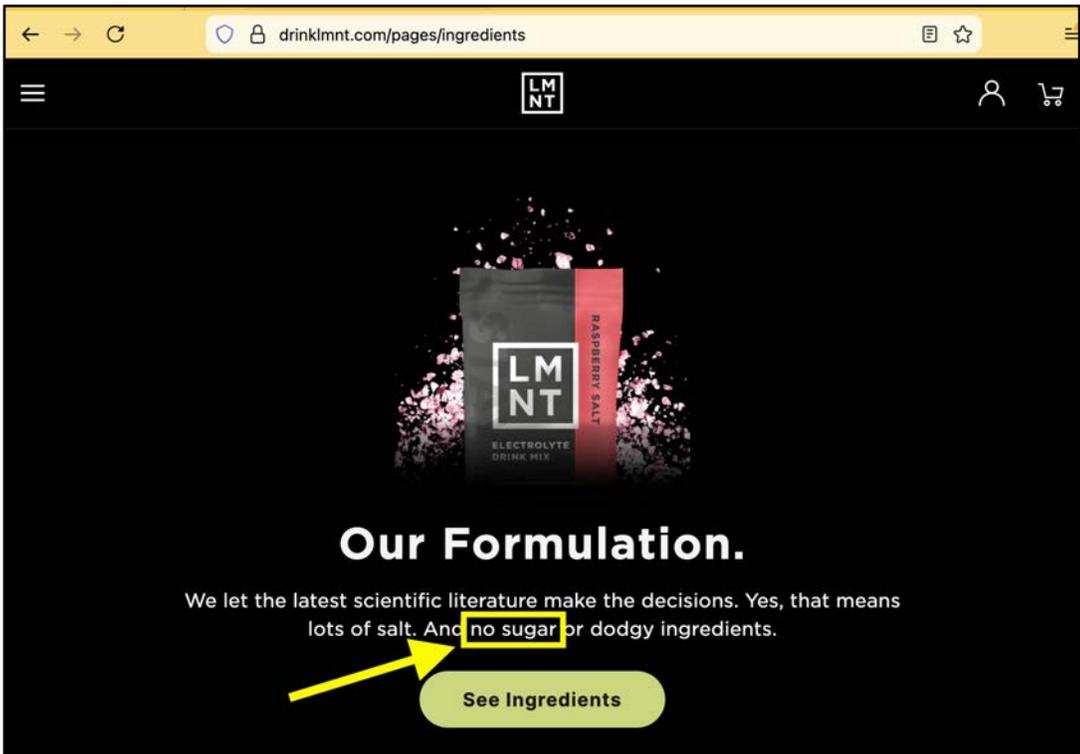
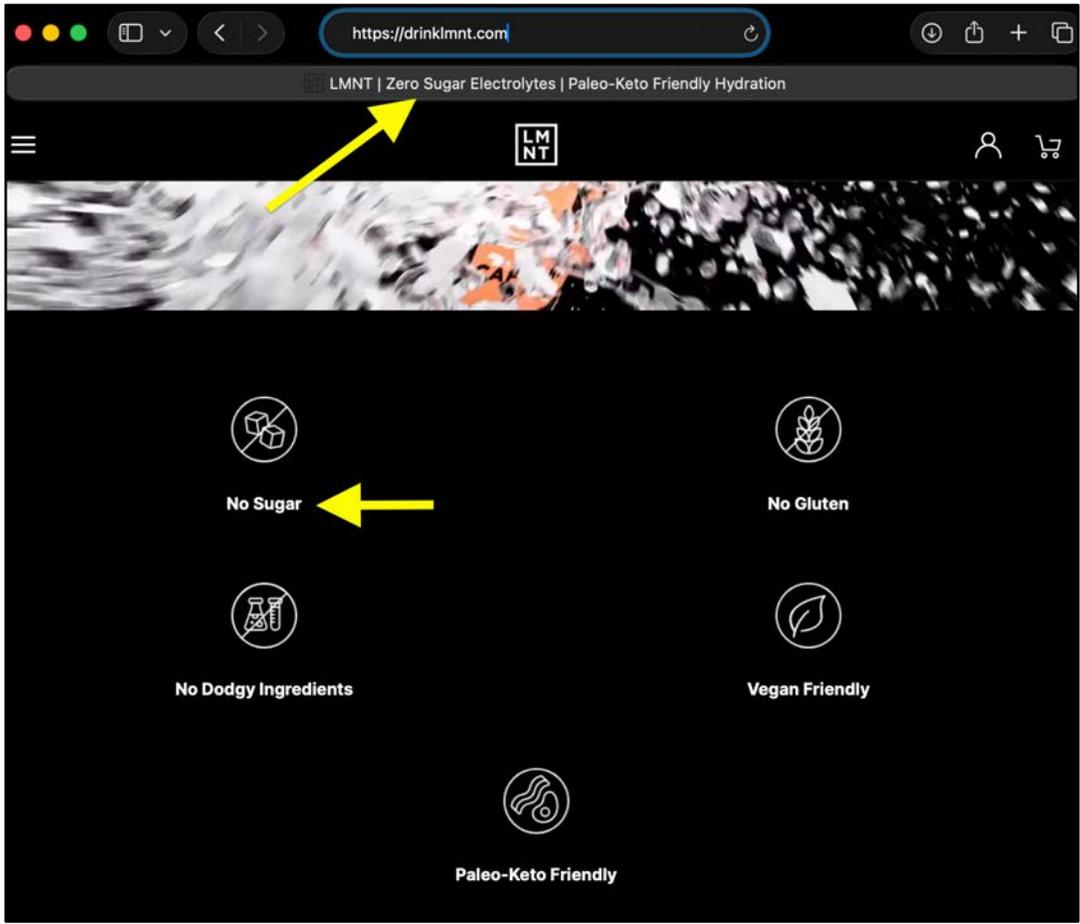


KAZEROUNI  
LAW GROUP, APC

27  
28 appeal is further reflected in the disparity in popularity and sales between the  
flavored Class Products and the raw, unflavored Class Product. *See infra* ¶ 123.

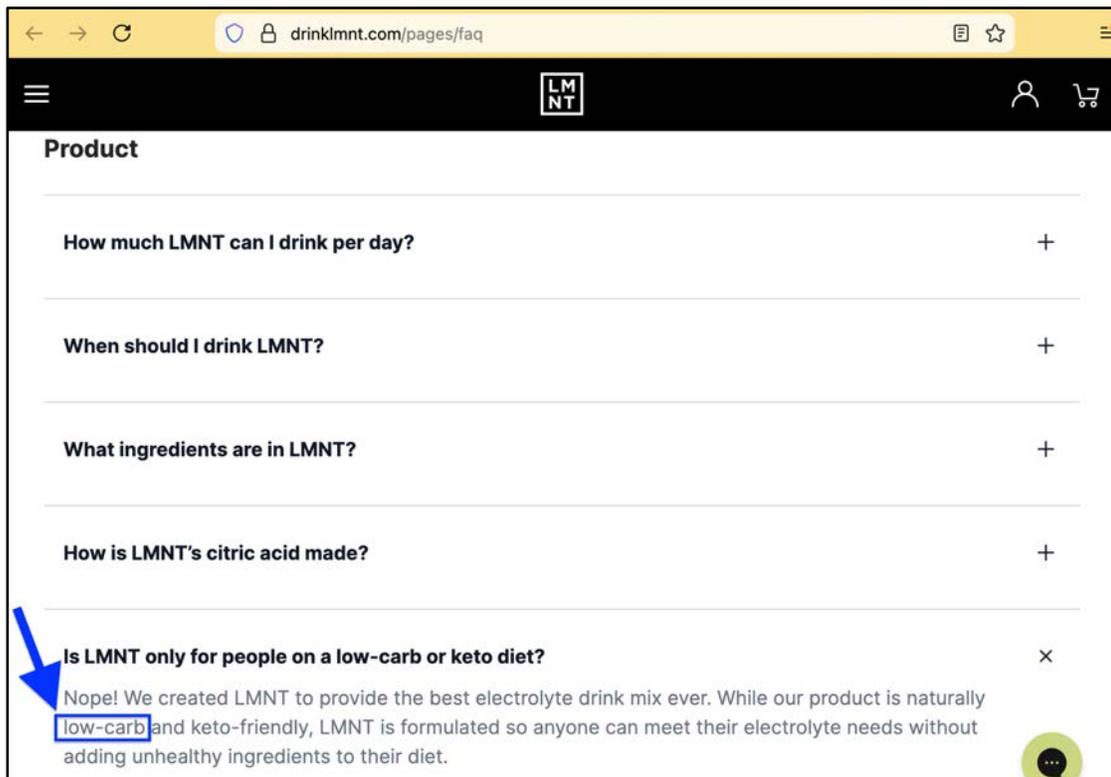
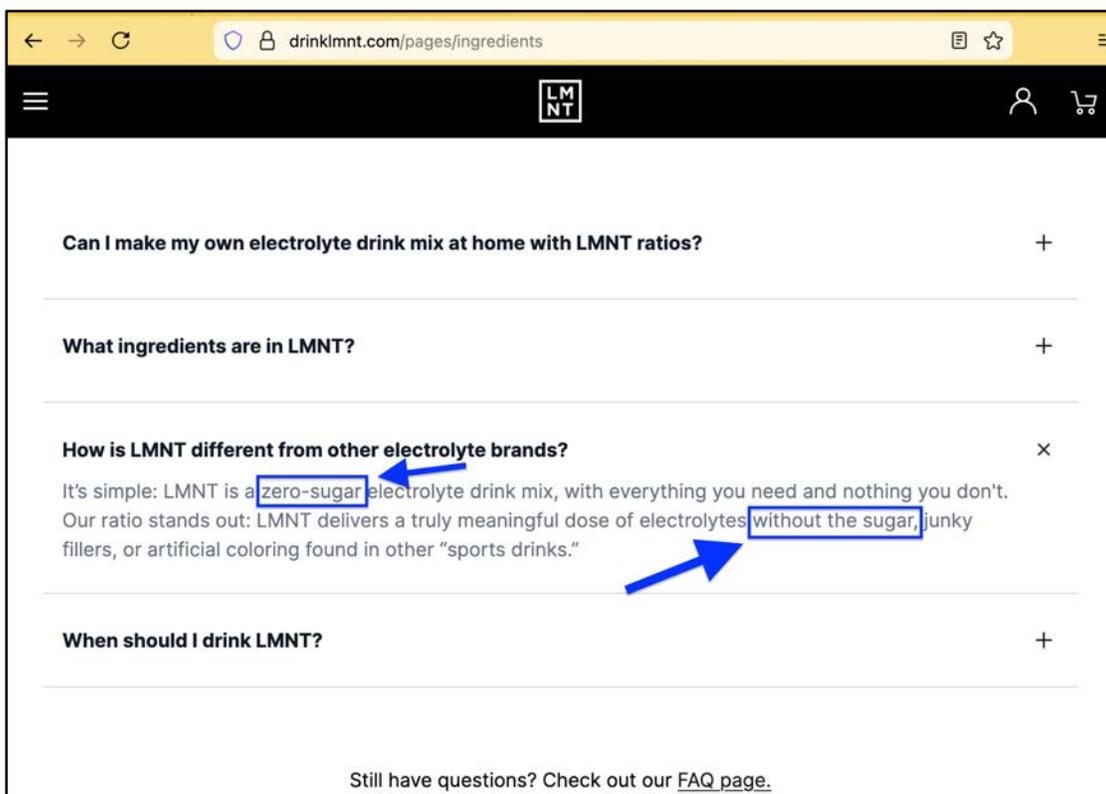
KAZEROUNI  
LAW GROUP, APC

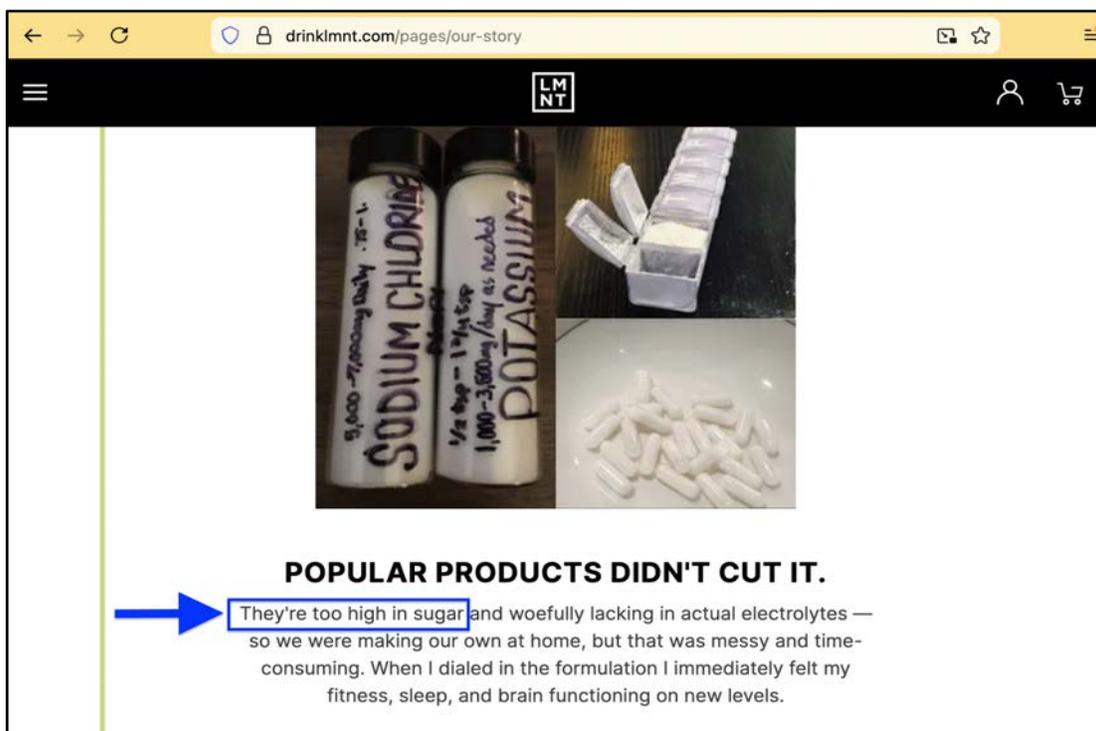
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



KAZEROUNI  
LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28





KAZEROUNI  
LAW GROUP, APC

13 105. Defendants’ use of stevia leaf extract has enabled them to offer numerous  
 14 flavored varieties of the Class Products that maintain sweetness and palatability  
 15 without added sugar or substantial calories, thereby broadening the products’ appeal  
 16 across a wide range of consumers. By leveraging stevia’s high-intensity sweetening  
 17 properties, Defendants are able to market multiple flavor profiles that would  
 18 otherwise be impractical or undesirable in an electrolyte formulation dominated by  
 19 salt and mineral ingredients. This formulation strategy allows Defendants to attract  
 20 consumers seeking flavorful, sugar-free hydration options and materially enhances  
 21 the marketability, consumer acceptance, and perceived value of the Class Products.

22 106. Upon information and belief, the combined sales of the flavored varieties of  
 23 the Class Products substantially exceed, and dwarf, the sales of the Raw/Unflavored  
 24 variety. This disparity reflects consumer preference for flavored, sweetened  
 25 electrolyte products and demonstrates the central role of stevia in driving demand,  
 26 repeat purchases, and overall sales volume. The dominance of flavored product  
 27 sales underscores that stevia is not incidental or ancillary, but instead is integral to  
 28 Defendants’ product portfolio and overall business model.

1 107. Other ingredients in the Class Products are likewise sourced from abroad. In  
2 addition to stevia, the Class Products all contain magnesium malate and potassium  
3 chloride<sup>31</sup> – neither of which is sourced from the United States.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

---

27 <sup>31</sup> See **Exhibit B** for a list of the Class Products with their corresponding  
28 ingredients.



1 108. Magnesium malate<sup>32</sup> and potassium chloride<sup>33</sup> are key electrolytes essential  
2 to the formulation and function of the Class Products. Without these ingredients,  
3 the Class Products would be little more than common table salt (sodium chloride),  
4 an ingredient that virtually every consumer already possesses and as such provides  
5 no meaningful value when delivered without the inclusion of magnesium and  
6 potassium sourced from abroad.

7  
8 <sup>32</sup> Magnesium malate is not an agricultural ingredient that occurs naturally in  
9 commercially meaningful form, but instead is a manufactured mineral salt produced  
10 through industrial chemical processing. As the European Food Safety Authority  
11 explains in its evaluation of di-magnesium malate, the ingredient is manufactured  
12 by reacting magnesium oxide with malic acid under aqueous conditions, followed  
13 by spray-drying and packing. *See* European Food Safety Authority, *Evaluation of*  
14 *di-magnesium malate, used as a novel food ingredient and as a source of*  
15 *magnesium in foods* (EFSA Journal 2018;16(6):5292),  
<https://pmc.ncbi.nlm.nih.gov/articles/PMC7009340/> (manufacturing process  
description). Defendants likewise acknowledge that “malate is a malic acid  
derivative.” *See Did You Know: Malic Acid, Drink LMNT*,  
<https://science.drinklmt.com/did-you-know/malic-acid>.

16 As further reflected by global trade and supply data for magnesium feedstocks, the  
17 inputs used to produce magnesium malate are heavily concentrated outside the  
18 United States. World Integrated Trade Solution (“WITS”) data show that China  
19 overwhelmingly dominates global exports of natural magnesium carbonate  
20 (magnesite), exporting approximately 2,563,620,000 kilograms in 2024, while the  
21 United States exported only 513,000 kilograms during the same period. *See* World  
22 Bank, WITS, *Natural Magnesium Carbonate (Magnesite) Exports by Country (HS*  
*251910)* (2024),  
<https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2024/tradeflow/Exports/partner/WLD/product/251910>. Consistent with this concentration, industry  
23 and government sources describe global magnesia and magnesium supply chains as  
24 highly concentrated, with China dominating magnesia production and exports and  
25 serving as the leading supplier of magnesium in global markets. *See* Euromines,  
*Magnesia Industry Study (2025)* (China accounted for approximately 70 percent of  
26 global magnesia capacity and 68 percent of production in 2023),  
[https://euromines.org/wp-content/uploads/2025/10/Euromines-Magnesia-Industry-](https://euromines.org/wp-content/uploads/2025/10/Euromines-Magnesia-Industry-Study.pdf)  
27 [Study.pdf](https://euromines.org/wp-content/uploads/2025/10/Euromines-Magnesia-Industry-Study.pdf).

28 Given (i) Defendants’ admission that their magnesium malate incorporates malate



1 derived from malic acid, which itself is likely of foreign origin, *see infra* n.35; (ii)  
2 the documented concentration of magnesium feedstocks and magnesium supply  
3 chains outside the United States; and (iii) the economic, regulatory, and logistical  
4 realities of industrial chemical manufacturing, which make it substantially more  
5 efficient to synthesize magnesium malate in regions where both malic acid and  
6 magnesium inputs are abundant and where large-scale chemical processing  
7 infrastructure is well established, it is plausible, and more likely than not, that the  
8 magnesium malate used in the Class Products is of foreign origin. Finally, because  
9 magnesium malate is a niche, chemically manufactured compound rather than a  
10 traded commodity, granular trade data specifically tracking magnesium malate are  
11 not separately reported in public trade databases such as WITS.

12 <sup>33</sup> Potassium chloride, commonly referred to as potash, is a potassium-bearing  
13 mineral commodity for which the United States has limited domestic production  
14 capacity. The United States relies overwhelmingly on foreign sources to meet  
15 domestic potassium chloride demand, with imports supplying the vast majority of  
16 U.S. consumption. Canada is the world’s largest producer and exporter of potash  
17 and possesses the world’s largest potash reserves, and its geographic proximity to  
18 the United States, combined with established and economical cross-border rail  
19 transportation infrastructure, makes Canada a principal and efficient source of  
20 potassium chloride supplied to the U.S. market. Accordingly, potassium chloride  
21 incorporated into consumer products sold in the United States is highly likely to be  
22 imported and sourced from abroad. *See* EPA, *Potassium Chloride Supply Chain*  
23 *Profile* (Mar. 2023), <https://www.epa.gov/system/files/documents/2023-03/Potassium%20Chloride%20Supply%20Chain%20Profile.pdf> (“Canada, Russia,  
24 Belarus, and China accounted for 80% of world potash production in 2019, and  
25 global supply and demand from these select countries have historically dictated  
26 price and availability. The U.S., which imports approximately 17% of worldwide  
27 production, relies heavily on Canadian production to meet domestic demand, and  
28 supply is heavily reliant on rail transport from Saskatchewan.”); “Total U.S.  
domestic production of potassium chloride was approximately 490 million  
kilograms (M kg) in 2018.... U.S. consumption of potassium chloride in 2018 is  
estimated at 9,491 M kg.”);

World Bank, WITS/UN COMTRADE, *Potassium Chloride (HS 310420) – Imports*  
*by Country* (2024), <https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2024/tradeflow/Imports/partner/WLD/product/310420> (describing the United States as among the  
world’s top three importers of potassium chloride)

Natural Resources Canada, *Potash Facts*, <https://natural->

1 109. Given the importance of stevia and key electrolytes, magnesium and  
2 potassium, to the overall utility and consumer desirability of the products, it is  
3 implausible that the combined value or cost of the foreign ingredients represents  
4 less than ten (10) percent in the products.



5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25 [resources.canada.ca/minerals-mining/mining-data-statistics-analysis/minerals-](https://resources.canada.ca/minerals-mining/mining-data-statistics-analysis/minerals-metals-facts/potash-facts)  
26 [metals-facts/potash-facts](https://resources.canada.ca/minerals-mining/mining-data-statistics-analysis/minerals-metals-facts/potash-facts) (“Canada is the world’s largest producer and exporter of  
27 potash. Canada has the world’s largest potash reserves...”; “The leading  
28 destinations of Canadian exports of potash were the United States (46%), Brazil  
(19%) and China (8%)”)

1 110. Additionally, the flavored varieties of the Class Products contain either citric  
2 acid<sup>34</sup> or malic acid<sup>35</sup> - ingredients that, upon information and belief, are sourced  
3 from outside the United States.

4 \_\_\_\_\_  
5 <sup>34</sup> Although some citric acid is produced domestically, publicly available  
6 government and intergovernmental trade sources demonstrate that the United States  
7 relies heavily on imported citric acid. The U.S. Environmental Protection Agency  
8 has reported that domestic citric acid manufacturing has declined over the past two  
9 decades and that U.S. demand is increasingly met through imports. *See* U.S.  
10 Environmental Protection Agency, *Citric Acid Supply Chain Profile* (Mar. 2023),  
[https://www.epa.gov/system/files/documents/2023-  
03/Citric+Acid+Supply+Chain+Profile.pdf](https://www.epa.gov/system/files/documents/2023-03/Citric+Acid+Supply+Chain+Profile.pdf)

11 Consistent with this import dependence, WITS data from the World Bank identifies  
12 the United States as the largest global importer of citric acid by value in 2023. *See*  
13 World Bank, WITS, *Citric Acid Imports (HS 291814)*,  
[https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/I  
mports/partner/WLD/product/291814](https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/Imports/partner/WLD/product/291814) The same WITS data identifies foreign  
14 producers, including Thailand and Belgium, among the leading global exporters of  
15 citric acid. *See* World Bank, WITS, *Citric Acid Exports (HS 291814)*,  
[https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/E  
xports/partner/WLD/product/291814](https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/Exports/partner/WLD/product/291814).

16 \_\_\_\_\_  
17 Reflecting the competitive impact of these imports on the domestic market, the U.S.  
18 International Trade Commission has, on multiple occasions, conducted  
19 antidumping investigations and imposed antidumping duty orders concerning  
20 imports of “citric acid and certain citrate salts,” including prior investigations  
21 involving imports from Belgium and Thailand, and in January 2026 instituted new  
22 antidumping and countervailing duty investigations concerning imports from  
23 Canada and India. *See* U.S. International Trade Commission, *Citric Acid and  
Certain Citrate Salts Investigations*,  
[https://www.usitc.gov/keywords/citric acid and certain citrate salts](https://www.usitc.gov/keywords/citric%20acid%20and%20certain%20citrate%20salts); *see also*  
24 *Citric Acid and Certain Citrate Salts from Canada and India; Institution of  
Antidumping and Countervailing Duty Investigations*, 91 Fed. Reg. 3221 (Jan. 26,  
25 2026), [https://www.federalregister.gov/documents/2026/01/26/2026-01404/citric-  
acid-and-certain-citrate-salts-from-canada-and-india-institution-of-antidumping-  
and](https://www.federalregister.gov/documents/2026/01/26/2026-01404/citric-acid-and-certain-citrate-salts-from-canada-and-india-institution-of-antidumping-and)

26 \_\_\_\_\_  
27 The repeated initiation of such trade investigations underscores that domestic  
28 production has not been sufficient to meet U.S. demand without significant reliance

1 111. In addition to the aforementioned ingredients, certain varieties of the Class  
2 Products contain other ingredients that are unquestionably sourced from outside the  
3 United States. For example, the Mango Chili flavor of Defendants’ Drink Mix  
4 contains natural mango<sup>36</sup> flavor, which is not sourced domestically. Likewise, the  
5  
6 on imports, as the existence of abundant and readily available domestic supply  
7 would obviate the need for ongoing antidumping and countervailing duty  
8 proceedings. Accordingly, given the United States’ documented import dependence  
9 and the established role of foreign producers in supplying the U.S. market, it is  
10 plausible that the citric acid used in Defendants’ products is of foreign origin.

11  
12 <sup>35</sup> Malic acid, by Defendants’ own admission, is not an agricultural ingredient that  
13 is harvested or extracted in commercially meaningful quantities, but rather is  
14 manufactured through industrial chemical or microbial fermentation processes. *See*  
15 *Did You Know: Malic Acid*, Drink LMNT, <https://science.drinklmnt.com/did-you-know/malic-acid/> (explaining that although malic acid occurs naturally in plants, it  
16 “can’t be extracted in a cost-effective way” and is therefore manufactured through  
17 processes including petrochemical synthesis and microbial fermentation). Industrial  
18 production of malic acid is thus concentrated among large-scale chemical and  
19 biotechnology manufacturers, which are overwhelmingly located outside the  
20 United States, particularly in China. *See* Yongyan Xi, Feiyu Fan & Xueli Zhang,  
21 *Microbial L-malic Acid Production: History, Current Progress, and Perspectives*,  
22 1 GREEN CARBON 118, 119–20 (2023).

23 As summarized in Tables 1 and 2 of Xi *et al.*, current global malic acid production  
24 capacity is approximately 192,000 tons per year, with an additional 155,000 tons  
25 per year of capacity under construction or proposed, for a combined current and  
26 near-term global capacity of approximately 347,000 tons annually. Of that amount,  
27 314,000 tons per year, more than 90% of total current and planned capacity, is  
28 expressly identified as being located outside the United States. *Id.* The remaining  
33,000 tons per year is categorized as “Others,” without any indication that such  
capacity is located in the United States. *Id.* Thus, even assuming counterfactually  
that all “Others” capacity were domestic, foreign producers would still account for  
approximately 90.5% of global malic acid production capacity. Accordingly, it is  
plausible that the malic acid used in Defendants’ products is of foreign origin.

<sup>36</sup> *See* <https://powo.science.kew.org/taxon/urn:lsid:ipni.org:names:69913-1> (The  
distribution map reflects that the *Mangifera indica* (mango) species is native to  
regions of South and Southeast Asia. Within the United States, the species is  
identified only in Florida, where it has been introduced and does not occur as part



1 Chocolate Salt and Chocolate Caramel varieties contain cocoa powder,<sup>37</sup> which is  
2 also sourced from outside the United States. Additionally, the Mango Chili product  
3 contains natural chili<sup>38</sup> flavor, which, upon information and belief, is not sourced  
4 domestically.

5 112. Despite the numerous foreign ingredients contained in the Class Products,  
6 Defendants prominently, uniformly, and without qualification represent these  
7 products as “Made in the USA” and/or “Manufactured in the USA” on their  
8 packaging and throughout their marketing materials.

9 113. Upon information and belief, these products also contain additional foreign-  
10 sourced ingredients and components, further rendering Defendants’ representations  
11

12 \_\_\_\_\_  
13 of its native range. There is no indication that the species is cultivated or harvested  
14 at commercial scale within the United States. By contrast, the species is widely  
15 present across numerous foreign regions where it is indigenous, established, and  
16 commercially exploited. The ingredient at issue is “natural mango flavor,” which is  
17 derived through processing and extraction of the fruit rather than simple mechanical  
18 handling. Such processing is typically performed where the species is abundant and  
19 supply chains are well developed. Given the species’ overwhelming foreign  
20 presence, its extremely limited domestic occurrence confined to a single state, and  
21 the nature of mango flavor production, the ingredient is almost certainly of foreign  
22 origin.); *see also* <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item:  
23 Mangoes, guavas and mangosteens. According to the Food and Agriculture  
24 Organization of the United Nations, the United States is not a significant producer  
25 of mangoes and does not rank among the world’s top ten mango-producing  
26 countries. By contrast, FAO production data reflect that global mango production  
27 is heavily concentrated outside the United States, with India accounting for a  
28 dominant share of worldwide output.).

37 *See* <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Cocoa  
beans. According to the Food and Agriculture Organization of the United Nations,  
the United States is not a commercial producer of cocoa beans.)

38 *See* <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Chillies  
and peppers, dry (Capsicum spp., Pimenta spp.). According to the Food and  
Agriculture Organization of the United Nations, the United States is not a  
commercial producer of dry chilies.)



1 false, unfair, and deceptive.

2 114. Defendants’ failure to disclose the use of foreign ingredients and components  
3 results in unqualified U.S.-origin claims that are unlawful, false, misleading, and  
4 likely to deceive reasonable consumers.

5 115. There is no federal or state law, rule, or regulation that requires products such  
6 as the Class Products to bear a “Made in the USA,” “Manufactured in the USA,” or  
7 any similar U.S. origin representation. Defendants’ decision to include unqualified  
8 U.S. origin claims on the Class Products’ packaging and in their marketing  
9 materials is therefore voluntary and driven solely by marketing, branding, and  
10 product-positioning considerations, rather than by any legal or regulatory  
11 obligations.

12 116. Had Plaintiffs and other consumers similarly situated been made aware that  
13 the Class Products contained ingredients, including key ingredients, sourced from  
14 outside of the United States, they would not have purchased the Class Products.

15 117. Plaintiffs and consumers similarly situated are accustomed to seeing U.S.  
16 origin claims that are expressly qualified when products are made using foreign  
17 ingredients, such as representations stating “Made in the USA using global  
18 ingredients” or similar disclosures. In this marketplace context, Defendants’ use of  
19 unqualified “Made in the USA” and “Manufactured in the USA” representations  
20 conveyed to reasonable consumers that the Class Products and their ingredients  
21 were wholly or substantially of U.S. origin. By omitting any qualifying disclosure  
22 despite the presence of foreign-sourced ingredients, Defendants created a  
23 misleading net impression that deceived Plaintiffs and other consumers into  
24 believing the Class Products met a higher domestic-origin standard than they in fact  
25 did. Non-exhaustive examples of Defendants’ competitors and other consumer  
26 products using properly qualified U.S. origin claims are shown below:



KAZEROUNI  
LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



KAZEROUNI  
LAW GROUP, APC

118. The origin of other ingredients, components, and even packaging used by Defendants in the Class Products cannot be definitively traced through publicly available information - and since this information is exclusively known to Defendants at this time - Plaintiffs cannot fully allege the extent of Defendants' unqualified "Made in the USA" violations. These important facts are within the exclusive knowledge, control, and possession of Defendants, their contract manufacturers and their agents, and cannot be fully ascertained or alleged without

1 the benefit of discovery.

2 119. Defendants’ willful disregard for the laws discussed herein for financial gain  
3 is well established by the aforementioned, non-exhaustive examples.

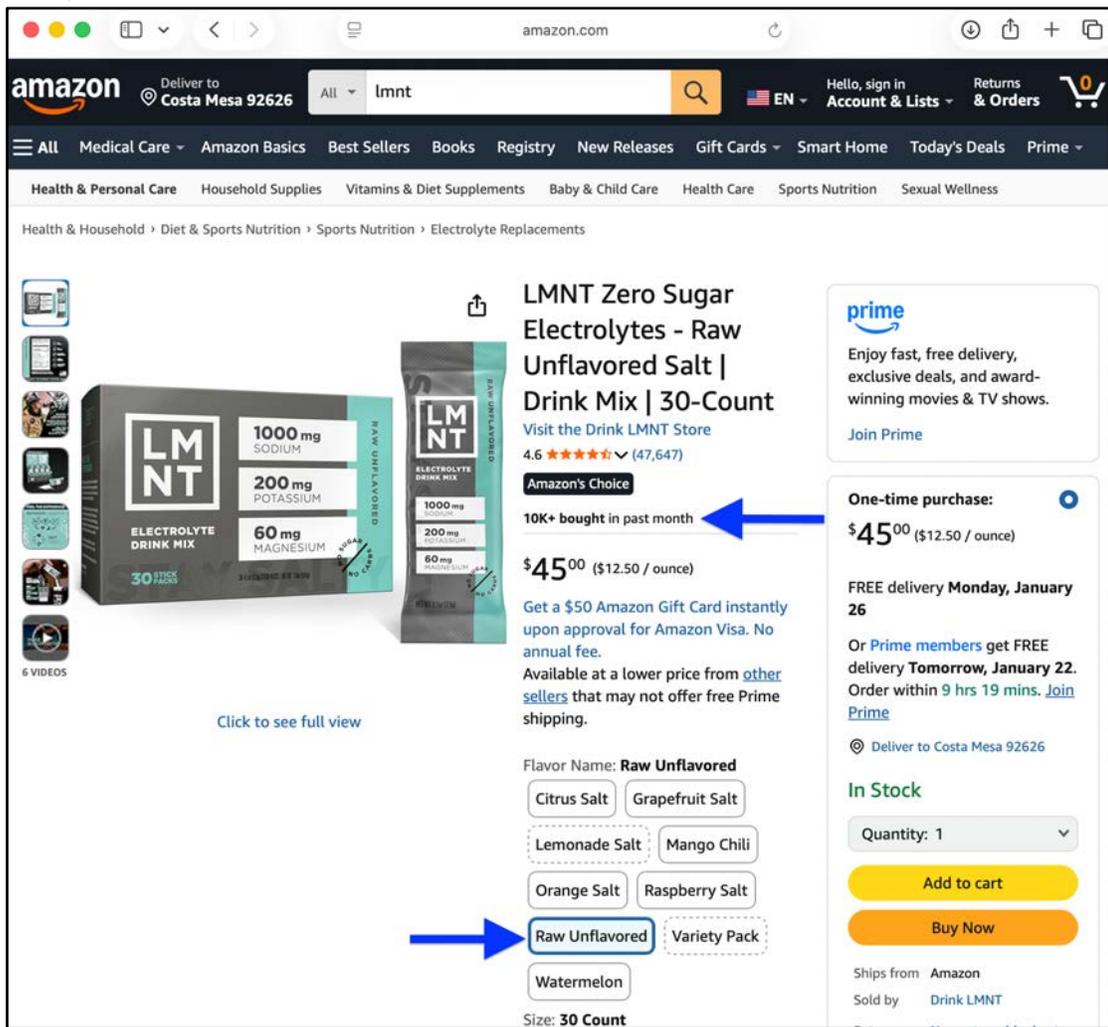
4 120. Specifically, Defendants’ conduct violates the MUSA Rule because they  
5 make unqualified U.S.-origin claims, such as “Made in the USA” and  
6 “Manufactured in the USA,” when, in fact, not “all or virtually all” ingredients and  
7 components are sourced domestically, as required by 16 C.F.R. § 323.2.

8 121. In addition to violating the MUSA Rule, Defendants’ conduct also violates  
9 the CA MUSA Rule, including the safe harbor provisions set forth in Business and  
10 Professions Code § 17533.7(c). At a minimum, the second (magnesium malate) and  
11 third (potassium chloride) ingredients in each and every Class Product are foreign-  
12 sourced. When considered together with the other foreign-sourced ingredients  
13 described herein, it is highly improbable that such ingredients represent less than  
14 ten (10) percent of the final wholesale value of each of the Class Products,  
15 especially when common table salt, which itself may be foreign, is very  
16 inexpensive.<sup>39</sup>

17 122. Without magnesium malate and potassium chloride, the Class Products could  
18 not truthfully be described as “electrolytes,” the very characteristic that forms their  
19 primary selling proposition. Absent these foreign-sourced ingredients, the products  
20 would consist largely of common table salt - an ingredient of negligible value to  
21 consumers, as virtually every consumer already possesses it at home and would not  
22 pay a premium for it.

23 \_\_\_\_\_  
24 <sup>39</sup> For example, a 26-ounce container of Morton’s Salt retails for approximately  
25 \$2.99 in Los Angeles, California. At that price, salt costs about \$0.115 per ounce  
26 ( $\$2.99 \div 26 \text{ oz} = \$0.115/\text{oz}$ ). Accordingly, if Defendants’ entire product packet  
27 (0.21 oz, or 5.91 g) were composed entirely of salt, which it is not, the retail value  
28 of the product packet would be approximately \$0.02 ( $\$0.115 \times 0.21 = \$0.024$ ).  
Defendants, purchasing salt in bulk at wholesale, would pay substantially less than  
this amount, underscoring the negligible monetary value of salt in the Class  
Products. See <https://www.vons.com/shop/product-details.114100008.html>

1 123. Without foreign-sourced stevia, which is present in every flavored Class  
2 Product, the products would be unpalatable and would lack the consumer appeal  
3 associated with pleasant-tasting electrolyte beverages and drink mixes. This is  
4 evidenced by the stark difference in sales between the flavored varieties of the Class  
5 Products and the Raw/Unflavored version. Non-exhaustive examples illustrating  
6 this disparity in consumer demand, including comparative sales and purchasing data  
7 for the flavored Class Products versus the Raw/Unflavored version as displayed on  
8 Amazon, are shown below:



KAZEROUNI  
LAW GROUP, APC

The screenshot displays the Amazon product page for LMNT Zero Sugar Electrolytes - Citrus Salt | Drink Mix | 30-Count. The page includes a navigation bar with categories like Medical Care, Amazon Basics, and Best Sellers. The product title is prominently displayed, along with its price of \$44.85 (\$7.12 / ounce) and a '1 Best Seller' badge. A '20K+ bought in past month' badge is also visible. The product is shown in its packaging, and various flavor options are listed below, including Citrus Salt, Grapefruit Salt, Lemonade Salt, Mango Chili, Orange Salt, Raspberry Salt, Raw Unflavored, Variety Pack, and Watermelon. The size is set to 30 Count. The page also features a Prime membership promotion, a one-time purchase price, and delivery options.

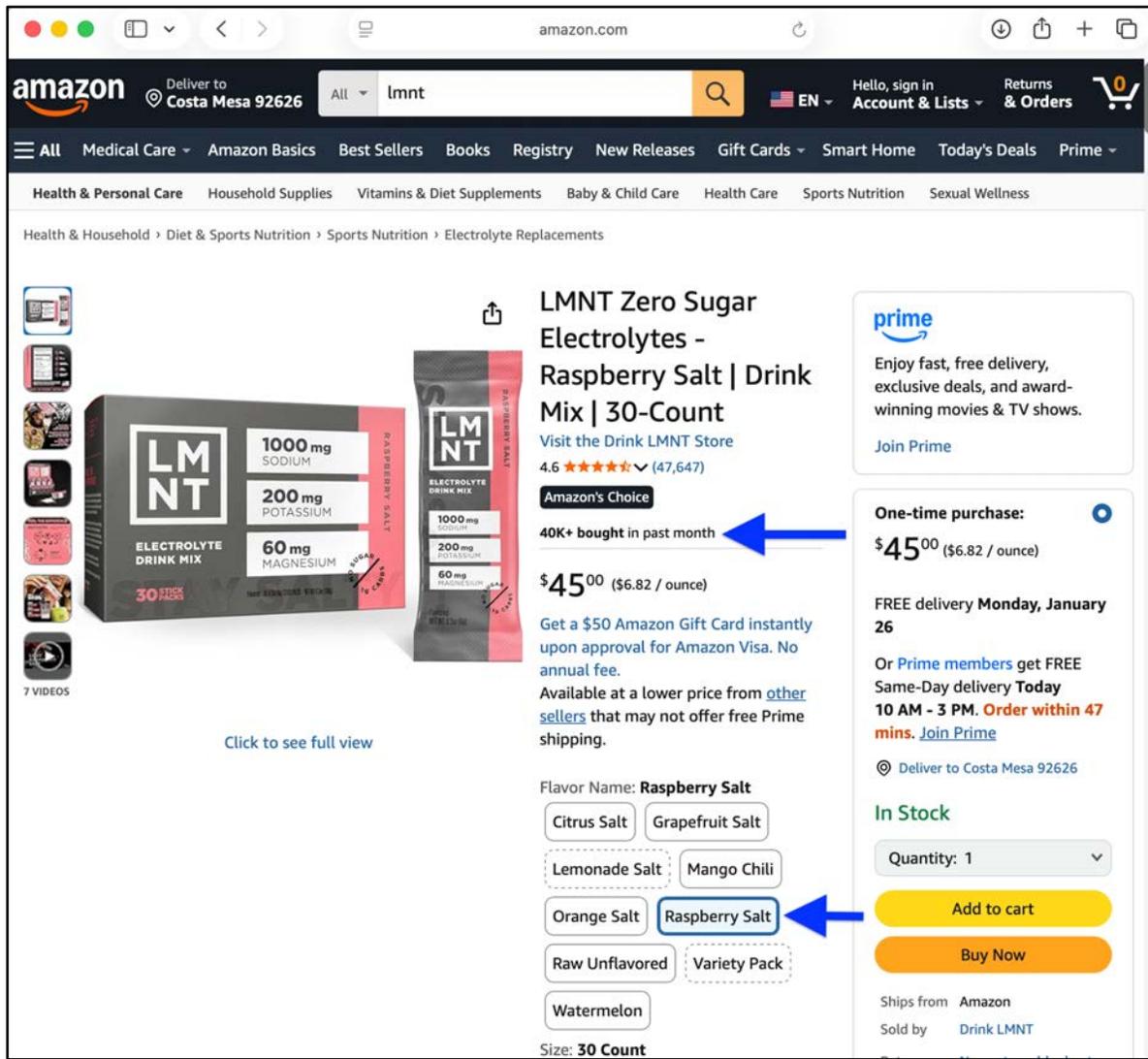
KAZEROUNI LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The screenshot displays the Amazon product page for LMNT Zero Sugar Electrolytes - Watermelon Salt | Drink Mix | 30-Count. The page includes the Amazon logo, delivery location (Costa Mesa 92626), search bar, and navigation menu. The product title is "LMNT Zero Sugar Electrolytes - Watermelon Salt | Drink Mix | 30-Count". The price is \$44.80 (\$7.34 / ounce). The product is marked as an "Overall Pick" and has a rating of 4.6 stars from 47,647 reviews. The page shows a "30K+ bought in past month" badge, which is pointed to by a blue arrow. The flavor options are listed as Citrus Salt, Grapefruit Salt, Lemonade Salt, Mango Chili, Orange Salt, Raspberry Salt, Raw Unflavored, and Variety Pack. The "Watermelon" flavor is selected and pointed to by another blue arrow. The size is listed as "30 Count" for \$45.00 (\$7.38 / ounce). The page also features a "prime" badge, a "One-time purchase" price of \$44.80, and a "FREE delivery Monday, January 26" offer. The "Add to cart" and "Buy Now" buttons are visible at the bottom right.

KAZEROUNI  
LAW GROUP, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



KAZEROUNI  
LAW GROUP, APC

124. In short, the foreign-sourced magnesium malate, potassium chloride, and stevia provide substantial value to consumers and are essential to the desirability and commercial success of the Class Products. Accordingly, based on the nature, function, and necessity of these foreign-sourced ingredients to the Class Products' function, flavor and consumer appeal, it is reasonable to infer that they constitute at least ten percent of the Products' final wholesale value.

125. Defendants' noncompliance with the laws governing "Made in the USA" claims is further underscored by the fact that they continue to sell products bearing the same unqualified "Made in the USA" and "Manufactured in the USA" representations in jurisdictions where no statutory safe harbors exist at all. Because the federal MUSA Rule applies nationwide and imposes independent and strict



1 requirements for unqualified U.S.-origin claims, Defendants’ continued nationwide  
2 use of the same unqualified labeling, including through Amazon, Walmart.com,  
3 Target.com and their website, which all market and sell products to consumers  
4 throughout the United States, confirms that Defendants are not attempting to  
5 comply with federal law. This uniform nationwide conduct makes it not merely  
6 plausible, but probable, that Defendants’ products also fail to comply with the  
7 applicable California laws governing “Made in the USA” representations, including  
8 statutory safe harbors.

9 126. The origin of some ingredients and components, including packaging, cannot  
10 be definitively traced through publicly available information. Upon information and  
11 belief, the Class Products contain other ingredients and components, including  
12 packaging, that are not made in or sourced from the United States. These important  
13 facts are within the exclusive knowledge, control, and possession of Defendants,  
14 their suppliers and contract manufacturers, and cannot be fully ascertained or  
15 alleged without the benefit of discovery. Nevertheless, Defendants’ willful  
16 disregard for the laws discussed herein is well established by the aforementioned,  
17 non-exhaustive examples.

18 127. There is no reliable, competent, or commercially available laboratory testing  
19 method capable of determining the country of origin of ingredients from finished  
20 consumer products. Origin determinations depend on supply-chain documentation,  
21 sourcing records, and manufacturer-controlled Certificates of Analysis (“COA”)  
22 and supplier disclosures, all of which are exclusively within Defendants’  
23 possession. Plaintiffs therefore cannot obtain this information through testing, and  
24 the truth or falsity of Defendants’ sourcing representations can only be verified  
25 through discovery of Defendants’ and their agents’ records.

26 128. Defendants possess superior knowledge of the true facts, which were not  
27 disclosed, thereby tolling the applicable statute of limitations.

28 129. The ratios, concentrations, and costs of the ingredients and components used

1 in the Class Products are exclusively within the knowledge, control, and possession  
2 of Defendants and their agents. Plaintiffs have no access to this information and  
3 cannot reasonably determine or approximate these figures without discovery. Even  
4 if general values, costs, or market prices for certain ingredients were publicly  
5 available, such data would not reflect Defendants’ actual costs, which depend on  
6 confidential supplier relationships, private contracts, and undisclosed bargaining  
7 power.

8 130. The identities of Defendants’ suppliers, contract manufacturers, and other  
9 entities involved in the sourcing and production of the Class Products are likewise  
10 not publicly available and are presently unknown to Plaintiffs. These facts, along  
11 with other material information regarding ingredient origin, composition, and  
12 valuation, can be readily obtained from Defendants through discovery.

13 131. Absent discovery, or resorting to unlawful means, such as industrial  
14 espionage or the breach of confidentiality obligations that likely govern  
15 Defendants’ proprietary formulations, Plaintiffs have no conceivable way to  
16 determine the precise ratios, costs, or sourcing details of the ingredients contained  
17 in Defendants’ products.

18 132. Most consumers have limited awareness that products, along with their  
19 ingredients and components, labeled or marketed as made in the United States may,  
20 in fact, contain ingredients or components sourced, grown, or manufactured in  
21 foreign countries. This is a material factor in many purchasing decisions, as  
22 consumers believe they are buying superior goods while supporting American  
23 companies and jobs. Consumer disclosure regarding the true origin of products and  
24 their ingredients is therefore a central rationale underlying federal and state “Made  
25 in the USA” laws, including the MUSA Rule and the CA MUSA Rule.

26 133. American consumers generally perceive products, ingredients, and  
27 components of U.S. origin as being of higher quality than their foreign counterparts.

28 134. Ordinary consumers are not experts in consumer product or beverage





1 formulations, nor are they expected to possess specialized knowledge concerning  
2 the nature, benefits, or origin of product ingredients. Consumers reasonably rely on  
3 manufacturers to accurately represent their products, particularly when presented  
4 with claims such as cognitive-benefit representations or unqualified “Made in the  
5 USA” representations on labeling or in marketing materials. There is no reason for  
6 consumers to question such representations or to suspect that a manufacturer would  
7 deliberately misstate the contents, composition, benefits or characteristics of its  
8 products.

9 135. On information and belief, Defendants either charged a premium for the  
10 Class Products compared to their competitors or gained a competitive advantage by  
11 having the Class Products chosen over others based on false, unqualified “Made in  
12 the USA” and/or “Manufactured in the USA” claims. Federal rules and California  
13 laws are designed to protect consumers from such false representations and  
14 predatory conduct.

15 136. Defendants have been on notice of the unlawful nature of their cognitive  
16 claims and unqualified “Made in the USA” representations since at least June 2025,  
17 when they received Plaintiffs’ pre-suit notice under the CLRA. Despite that notice,  
18 Defendants have failed to provide Plaintiffs or their counsel with any  
19 documentation substantiating the challenged claims, including any clinical studies,  
20 journal articles, sourcing records, COAs, supplier disclosures, formulation data, or  
21 other materials that would support their representations. Instead, Defendants have  
22 issued only blanket denials of wrongdoing. Had Defendants possessed and  
23 produced competent substantiation supporting their claims, this litigation could  
24 have been avoided. Defendants’ continued refusal to produce such documentation,  
25 despite clear notice and opportunity to do so, is telling.

26 **FACTS SPECIFIC TO PLAINTIFFS NATALIE GIANNE AND TORI POWELL**

27 Plaintiff Natalie Gianne

28 137. On or about December 9, 2023, Plaintiff Gianne searched online while at her

1 home in Los Angeles County, California, looking to purchase hydration and  
2 electrolyte products.

3 138. While browsing various products available for purchase online, Plaintiff  
4 Gianne came across the Products on Amazon. Browsing Amazon, Plaintiff Gianne  
5 reviewed information and marketing materials about LMNT’s Electrolyte Drink  
6 Mix.

7 139. Marketing images of the Class Products, including the Products, displayed  
8 on Amazon, prominently featured the claim “FEEL THE DIFFERENCE. All-day  
9 energy starts with optimal hydration. More energy. No brain fog or cramps. You  
10 feel the difference when you get it right” (emphasis added), which Plaintiff Gianne  
11 saw, read, and relied upon.<sup>40</sup>

12 140. In addition to these claims, the Products were described as providing other  
13 benefits on the same page, including “Sustain Focus” and “Satiating Cravings.”

14 141. The Products were also labeled and marketed as “Manufactured in the USA,”  
15 and, in some instances, “Made in the USA,” both of which are unqualified  
16 representations, despite the inclusion of foreign-sourced ingredients in their  
17 formulations. These representations appear on the individual product pages for the  
18 Class Products and are visible in images depicting the Products themselves.

19 142. Also, the particular “LMNT Zero Sugar Electrolytes – Raspberry Salt | Drink  
20 Mix | 30-Count” Plaintiff Gianne purchased from Amazon included various  
21 representations regarding its supposed cognitive benefits and US origin. For  
22 instance, the language “FEEL THE DIFFERENCE: All-day energy starts with  
23 optimal hydration. More energy. No brain fog or cramps. You feel the difference  
24 when you get it right” appeared under the “About this item” section of the product’s  
25 Amazon.com page. Additionally, one of the product’s images on Amazon  
26 prominently portrayed iconography of the American flag with the words “MADE  
27

28 <sup>40</sup> See *supra* ¶ 62.

1 IN THE USA.” The same language continues to appear on Amazon.<sup>41</sup>

2 143. Relying on the above representations, just as any reasonable consumer  
3 would, and seeking to purchase a product that (a) provided cognitive benefits and  
4 (b) was made in the United States with domestic ingredients, Plaintiff Gianne  
5 purchased a 30-count box of the Product (Raspberry Salt flavor) for approximately  
6 \$45.00 (excluding tax and shipping) from Amazon, for her personal use.

7 144. Later, on January 31, 2025, Plaintiff Gianne encountered single stick packs  
8 of the “LMNT Zero Sugar Electrolytes – Citrus Salt | Drink Mix,” available for  
9 individual purchase, at Perspire Sauna Studio in Santa Monica, California. Still  
10 operating under the belief – based on Defendants’ previous representations – that  
11 the Product offered cognitive benefits and was of US origin, especially since the  
12 back of the Product’s packaging included the language “MANUFACTURED IN  
13 THE USA,” Plaintiff Gianne purchased a single stick pack of the “LMNT Zero  
14 Sugar Electrolytes – Citrus Salt | Drink Mix” for \$4.00, excluding taxes, for her  
15 personal use.

16 Plaintiff Tori Powell

17 145. On or about January 18, 2024, Plaintiff Powell searched online while at her  
18 home in San Diego County, California, looking to purchase hydration and  
19 electrolyte products.

20 146. While browsing various products available for purchase online, Plaintiff  
21 Powell encountered the Products on Defendants’ website (the “Website”), where  
22 she reviewed information, marketing materials, and images of LMNT’s Electrolyte  
23 Drink Mix.

24 147. On the Website, Defendants represented on the Product packaging that it was  
25 “Manufactured in the USA.” This unqualified claim appeared in the product images  
26 displayed on the Product sales page and was not accompanied by any disclosure

27 \_\_\_\_\_  
28 <sup>41</sup> <https://www.amazon.com/LMNT-Zero-Sugar-Electrolytes/dp/B07SH31T9V?th=1>.



1 regarding the use of foreign-sourced ingredients or components. Plaintiff Powell  
2 viewed and read the “Manufactured in the USA” representation on each of the  
3 Product flavors she examined.

4 148. While visiting Defendants’ Website, Plaintiff Powell came across a webpage  
5 for Defendants’ “LMNT INSIDER Bundle,” which allows a customer to choose  
6 three (3) 30-count boxes of different single stick packs along with a bonus item.  
7 While reviewing that webpage, Plaintiff Powell came across pictures of the  
8 ingredient panel for each flavor of the Product, including the Grapefruit Salt, Citrus  
9 Salt, and Raspberry Salt flavors, which indicated that the Products were all  
10 “Manufactured in the USA.”

11 149. As of at least January 28, 2026, Defendants’ webpage on the Website for the  
12 “LMNT INSIDER Bundle” represents each flavor of the Product as being “MADE  
13 IN THE USA” with iconography of the American flag.<sup>42</sup>

14 150. Relying on these representations, as any reasonable consumer would, and  
15 intending to purchase a product made in the United States with U.S.-sourced  
16 ingredients and components, Plaintiff Powell purchased the “LMNT INSIDER  
17 Bundle,” which included three (3) 30-count boxes of the Product (Grapefruit Salt,  
18 Citrus Salt, and Raspberry Salt) for \$135.00, exclusive of tax and shipping, for her  
19 personal use. As part of her purchase, Plaintiff Powell also received the Chocolate  
20 Caramel flavor of the Product as a bonus item.

21 151. Plaintiffs’ reliance on Defendants’ representations were reasonable under the  
22 circumstances. Ordinary consumers are not experts in consumer product  
23 formulations, nor are they expected to possess specialized knowledge regarding the  
24

25 <sup>42</sup> [https://drinklmnt.com/products/lmnt-insider-bundle?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=evergreenmisspellcold&gad\\_source=1&gad\\_campaignid=21002967780&gbraid=0AAAAAC5L3cePIEEx5tupoq4mC21M6N1\\_T&gclid=Cj0KCQiAhOfLBhCCARIsAJPiopPI0xYhTHiqLIWD3MPeFOkKHIZqNwom4TGtBT087aPlmGuZp-zN2oIaAnX6EALw\\_wcB&variant=31177433382935](https://drinklmnt.com/products/lmnt-insider-bundle?utm_source=google&utm_medium=cpc&utm_campaign=evergreenmisspellcold&gad_source=1&gad_campaignid=21002967780&gbraid=0AAAAAC5L3cePIEEx5tupoq4mC21M6N1_T&gclid=Cj0KCQiAhOfLBhCCARIsAJPiopPI0xYhTHiqLIWD3MPeFOkKHIZqNwom4TGtBT087aPlmGuZp-zN2oIaAnX6EALw_wcB&variant=31177433382935) (last accessed Jan. 28, 2026).

1 nature, benefits or origin of product ingredients. Consumers reasonably trust that  
2 manufacturers will accurately represent their products, particularly when claims  
3 such as improving “Brain Fog” and “Focus” as well as “Made in the USA” are  
4 prominently displayed on product labeling and/or in marketing materials. There is  
5 no reason for consumers to doubt these representations or to suspect that a  
6 manufacturer would deliberately misstate the characteristics of its products.

7 152. For instance, when consumers encounter explicit representations in a  
8 product’s marketing - such as claims promoting cognitive benefits - they reasonably  
9 expect the product to provide those benefits. A reasonable consumer would not  
10 anticipate that the product fails to perform as advertised.

11 153. Similarly, Plaintiffs’ reliance on Defendants’ unqualified “Made in the  
12 USA” representations was reasonable. Consumers are accustomed to seeing  
13 qualified disclosures, such as “Made in the USA with globally sourced ingredients,”  
14 on product packaging and marketing if and when such U.S. origin claims are made.  
15 Accordingly, when consumers encounter an unqualified “Made in the USA” or  
16 similar claim, they reasonably understand it to mean that the product contains no  
17 foreign-sourced ingredients or components.

18 154. Defendants were under no legal obligation in the United States to label or  
19 market the Class Products as being of U.S. origin. However, once such  
20 representations are made, they are subject to strict regulatory standards.  
21 Defendants’ use of “Made in the USA” and “Manufactured in the USA” claims for  
22 the Class Products served no regulatory or compliance purpose. Rather, it was  
23 employed solely as a marketing device to enhance the Class Products’ appeal to  
24 consumers such as Plaintiffs.

25 155. Defendants’ representations regarding the Class Products were unlawful,  
26 unfair, deceptive, and misleading, in that the Class Products (a) do not provide the  
27 advertised cognitive benefits and (b) were made with and/or contain ingredients or  
28 components that were sourced, grown, or manufactured outside the United States.



1 156. Accordingly, Defendants are not entitled to lawfully make the cognitive  
2 benefit claims as well as the unqualified “Made in the USA” and “Manufactured in  
3 the USA” claims that they made on and regarding the Products and Class Products.

4 157. Defendants’ representations were material to Plaintiffs’ decision to purchase  
5 the Products.

6 158. In deciding to purchase the Products, Plaintiffs relied on the labeling,  
7 marketing, and/or advertising prepared and approved by Defendants and their  
8 agents, as disseminated through the Class Products’ packaging and marketing  
9 containing the misrepresentations alleged herein.

10 159. Had Plaintiff Gianne known that the Products did not provide the advertised  
11 cognitive benefits, she would not have purchased the Products or would have paid  
12 less for them.

13 160. Had both Plaintiffs known that the Products and Class Products contained  
14 foreign ingredients and components, they would not have purchased the Products  
15 or would have paid less for them.

16 161. Plaintiffs would not have purchased the Products, or would have paid less for  
17 them, but for Defendants’ cognitive benefit claims and/or unqualified “Made in the  
18 USA” and “Manufactured in the USA” representations on the Products and Class  
19 Products.

20 162. As a result, Plaintiffs were harmed because Defendants took Plaintiffs’  
21 money due to their unlawful, false, unfair, and deceptive misrepresentations on the  
22 Class Products, including the Products.

23 163. Each time Plaintiffs and putative Class members purchased the Class  
24 Products, they relied on Defendants’ representations in their purchasing decisions,  
25 as is typical of most U.S. consumers.

26 164. Consequently, Plaintiffs and other similarly situated consumers were  
27 deceived by Defendants’ unlawful actions.

28 165. Plaintiffs believed, at the time of purchase, that the Products were of superior



1 quality and that they were supporting U.S. jobs, the U.S. economy, the environment,  
2 and ethical working conditions by purchasing a product made with U.S.-sourced  
3 ingredients, rather than foreign-sourced, grown, or made ingredients.

4 166. Ingredients and components grown or manufactured in the USA are subject  
5 to strict regulatory requirements, including, but not limited to, agricultural,  
6 environmental, labor, safety, ethical, and quality standards.

7 167. Foreign sourced, grown, or manufactured ingredients and components are not  
8 subject to the same U.S. standards and may pose greater risks to consumers, the  
9 environment, and the U.S. economy. This concern is especially significant for  
10 products intended for human consumption, like beverage or beverage mix products.

11 168. Foreign-sourced, grown, or manufactured ingredients and components are  
12 generally of lower quality and less reliable than their U.S. origin counterparts.

13 169. False, unqualified, unfair and deceptive representations that products are  
14 “Made in the USA” and/or “Manufactured in the USA” reduce overall customer  
15 satisfaction compared to if such products were genuinely made in the U.S. using  
16 ingredients and components sourced, grown, or made domestically.

17 170. The Class Products, including the Products purchased by Plaintiffs, contain  
18 foreign ingredients and are not worth the purchase price paid by Plaintiffs and  
19 putative Class members.

20 171. The precise amount of damages will be proven at the time of trial.

21 172. Plaintiffs and Class members suffered harm as a direct result of Defendants’  
22 false, unlawful, unfair, and deceptive representations, including but not limited to  
23 their misleading cognitive benefit claims, as well as their unqualified “Made in the  
24 USA” and “Manufactured in the USA” claims.

25 173. Defendants’ false, unlawful, unfair, and deceptive advertising of the Class  
26 Products presents an ongoing threat to consumers, as this conduct continues to this  
27 day through Defendants’ direct actions and/or omissions, and/or through the  
28 conduct of their agents.



**CLASS ALLEGATIONS**

1  
2 174. Plaintiffs bring this action on behalf of themselves and all other similarly  
3 situated individuals.

4 175. Plaintiff Gianne is a member of and seeks to represent a Cognitive Benefit  
5 Class, pursuant to Fed. R. Civ. P. 23(b)(2), and 23(b)(3), defined as:

6 All persons in California who, between February 25, 2022  
7 and February 25, 2026, purchased one or more of the Class  
8 Products that were marketed or represented as providing  
9 cognitive benefits, such as relief from “brain fog,” or  
10 enhanced or sustained “focus,” or any similar claim,  
whether on product packaging or in marketing materials.

11 176. Plaintiffs are both members of and seek to represent a MUSA Class, pursuant  
12 to Fed. R. Civ. P. 23(b)(2), and 23(b)(3), defined as:

13 All persons in California who, between February 25, 2022  
14 and February 25, 2026, purchased one or more of the Class  
15 Products that were marketed or represented as “Made in  
16 the USA,” “Manufactured in the USA,” or any  
17 synonymous representation on the product or in its  
18 marketing materials, but which contain and/or are made  
19 with ingredients or components not grown or  
manufactured in the USA.

20 177. The Cognitive Benefit Class and MUSA Class shall be referred to herein  
21 jointly as the “Class.”

22 178. Excluded from the Class are Defendants’ officers, directors, and employees;  
23 any entity in which Defendants have a controlling interest; and the affiliates, legal  
24 representatives, attorneys, successors, heirs, and assigns of Defendants. Further  
25 excluded from the Class are members of the judiciary to whom this case is assigned,  
26 their families, and members of their staff.  
27  
28





1 179. Plaintiffs reserve the right to modify the proposed Class definition, including  
2 but not limited to expanding the Class to protect additional individuals, including in  
3 other states, and to assert additional sub-classes as warranted by additional  
4 investigation.

5 180. Numerosity: The members of the Class are so numerous that joinder of all of  
6 them is impracticable. While the exact number of Class members is unknown to  
7 Plaintiffs at this time, based on information and belief, the Class consists of  
8 thousands of individuals within California.

9 181. Commonality: There are questions of law and fact common to the Class,  
10 which predominate over any questions affecting only individual members of the  
11 Class. These common questions of law and fact include, without limitation:

- 12 • The nature, scope, and operations of the wrongful practices of  
13 Defendants;
- 14 • Whether the Class Products contain ingredients that provide  
15 cognitive benefits;
- 16 • Whether the Class Products are or have been made with foreign  
17 ingredients or components;
- 18 • Whether the Class Products are or have been represented as being  
19 of U.S. origin without clear and adequate qualification;
- 20 • Whether Defendants intentionally misrepresented or omitted the  
21 fact that the Class Products, including the Product purchased by  
22 Plaintiffs and other Class members, were misbranded and thus sold  
23 unlawfully in California;
- 24 • Whether Defendants knew or should have known that their  
25 business practices were unfair and/or unlawful;
- 26 • Whether Defendants' conduct violated the CLRA;
- 27 • Whether Defendants' conduct violated the FAL;
- 28



- 1 • Whether Defendants’ conduct was “unlawful” as that term is
- 2 defined in the UCL;
- 3 • Whether Defendants’ conduct was “unfair” as that term is
- 4 defined in the UCL;
- 5 • Whether Defendants’ conduct was “fraudulent” as that term is
- 6 defined in the UCL;
- 7 • Whether Defendants’ conduct was “unfair, deceptive, untrue or
- 8 misleading” as those terms are defined in the UCL;
- 9 • Whether Defendants were unjustly enriched by their unlawful,
- 10 unfair and deceptive business practices;
- 11 • Whether Defendants breached express warranties to Plaintiffs
- 12 and members of the Class;
- 13 • Whether Defendants intentionally misrepresented their products;
- 14 • Whether Plaintiffs and members of the Class suffered monetary
- 15 damages as a result of Defendants’ conduct and, if so, the appropriate
- 16 amount of damages; and
- 17 • Whether Plaintiffs and members of the Class are entitled to
- 18 injunctive relief, including public injunctive relief.

19 182. Typicality: Plaintiffs’ claims are typical of those of the Class. Plaintiffs and  
20 all members of the Class have been harmed by Defendants’ wrongful practices.  
21 Plaintiffs’ claims arise from the same course of conduct that gave rise to the claims  
22 of the Class and are based on the same legal theories. Specifically, Plaintiffs  
23 purchased one or more of the Class Products that were labeled, represented and/or  
24 advertised as: (1) providing cognitive benefits - such as relief from “brain fog,” or  
25 enhanced or sustained “focus”; and (2) being “Made in the USA” and/or  
26 “Manufactured in the USA” or a similar representation, without clear and adequate  
27 qualification of the foreign ingredients or components contained therein.

28 183. Adequacy of Representation: Plaintiffs will fairly and adequately represent



1 and protect the interests of members of the Class. Plaintiffs’ counsel is competent  
2 and experienced in litigating consumer class actions. Plaintiffs have retained  
3 counsel experienced in consumer protection law, including complex class action  
4 litigation involving unfair business practices. Plaintiffs have no adverse or  
5 antagonistic interests to those of the Class and will fairly and adequately protect the  
6 interests of the Class. Plaintiffs’ attorneys are aware of no interests adverse or  
7 antagonistic to those of Plaintiffs and the proposed Class.

8 184. Predominance: Defendants have engaged in a common course of conduct  
9 toward Plaintiffs and members of the Class, in that Plaintiffs and members of the  
10 Class were induced to purchase the Class Products. The common issues arising from  
11 Defendants’ conduct affecting members of the Class set out above predominate over  
12 any individual issues. Adjudication of these common issues in a single action has  
13 important and desirable advantages of judicial economy.

14 185. Superiority: A class action is superior to other available methods for the fair  
15 and efficient adjudication of the controversy. Class treatment of common questions  
16 of law and fact is superior to multiple individual actions or piecemeal litigation.  
17 Absent a class action, most members of the Class would likely find that the cost of  
18 litigating their individual claims is prohibitively high and would therefore have no  
19 effective remedy. The prosecution of separate actions by individual members of the  
20 Class would create a risk of inconsistent or varying adjudications with respect to  
21 individual members of the Class, which would establish incompatible standards of  
22 conduct for Defendants. In contrast, the conduct of this action as a class action  
23 presents far fewer management difficulties, conserves judicial resources and the  
24 parties’ resources, and protects the rights of each Class member.

25 186. Unless the Class is certified, Defendants will retain monies received as a  
26 result of their unlawful, unfair and deceptive conduct alleged herein. Unless a class-  
27 wide injunction is issued, Defendants will also likely continue to advertise, market,  
28 label, promote and package the Class Products in an unlawful, unfair, deceptive and

1 misleading manner, and members of the Class will continue to be deceived, misled,  
2 harmed, and denied their rights under California law.

3 187. Defendants have acted on grounds that apply generally to the Class, so that  
4 Class certification is appropriate.

5  
6 **CAUSES OF ACTION**

7 **FIRST CAUSE OF ACTION**

8 **Violations of the Consumer Legal Remedies Act (“CLRA”)**  
9 **(Cal. Civ. Code § 1750, *et seq.*)**

10 188. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
11 this First Amended Complaint as though fully set forth herein, and further allege as  
12 follows:

13 189. California Civil Code Section 1750, *et seq.*, entitled the Consumer Legal  
14 Remedies Act (“CLRA”), provides a list of “unfair or deceptive” practices in a  
15 “transaction” relating to the sale of “goods” or “services” to a “consumer.”

16 190. The Legislature’s intent in promulgating the CLRA is expressed in Civil  
17 Code Section 1760, which provides, *inter alia*, that its terms are to be:

18 **Construed liberally and applied to promote its underlying**  
19 **purposes, which are to protect consumers against unfair**  
20 **and deceptive business practices and to provide efficient**  
21 **and economical procedures to secure such protections.**

22 191. Defendants’ actions, representations, and conduct have violated, and  
23 continue to violate the CLRA because they extend to transactions that intended to  
24 result, or which have resulted in the sale of consumer products to consumers.

25 192. Plaintiffs and the Class members are not sophisticated experts with  
26 independent knowledge of product labeling, marketing practices and/or ingredient  
27 benefits or sourcing. Plaintiffs and the Class members are California consumers  
28 who purchased the Class Products for personal, family or household purposes.

1 193. Defendants are each a “person” as defined by Cal. Civ. Code § 1761(c).

2 194. The Class Products that Plaintiffs and other Class members purchased from  
3 Defendants constitute “goods” as defined pursuant to Cal. Civ. Code § 1761(a).

4 195. Plaintiffs, and the Class members, are each a “consumer” as defined pursuant  
5 to Cal. Civ. Code § 1761(d).

6 196. Plaintiffs’ and the Class members’ purchases of Defendants’ products  
7 constituted a “transaction” as defined pursuant to Cal. Civ. Code § 1761(e).

8 197. Cal. Civ. Code §§ 1770(a)(2), (4), (5), (7) and (9) of the CLRA provide that:

9 The following unfair methods of competition and unfair or  
10 deceptive acts or practices undertaken by any person in a  
11 transaction intended to result or which results in the sale  
12 or lease of goods or services to any consumer are  
unlawful:

13 (2) [m]isrepresenting the source, sponsorship, approval, or  
certification of goods or services;

14 (4) [u]sing deceptive representations or designations of  
geographic origin in connection with goods or services;

15 (5) [r]epresenting that goods or services have sponsorship,  
16 approval, characteristics, ingredients, uses, benefits, or  
quantities which they do not have or that a person has  
17 a sponsorship, approval, status, affiliation, or connection  
18 which he or she does not have;

19 (7) [r]epresenting that goods or services are of a particular  
standard, quality, or grade...; [and]

20 (9) [a]dvertising goods or services with intent not to sell  
21 them as advertised.

22 198. Defendants violated Cal. Civ. Code §§ 1770(a)(2), (5), (7), and (9) by  
23 marketing and representing the Class Products as providing cognitive benefits -  
24 such as relief from “brain fog” and enhanced or sustained “focus.” In truth, the Class  
25 Products lack the ingredients necessary to produce the advertised cognitive benefits  
26 and, therefore, do not deliver the benefits represented. As a result, Class Products  
27 were falsely, deceptively, and unlawfully marketed in violation of the CLRA.  
28



1 199. Additionally, Defendants violated Cal. Civ. Code §§ 1770(a)(2), (4), (5), (7),  
2 and (9) by falsely marketing and representing the Class Products as “Made in the  
3 USA” and “Manufactured in the USA” without qualification, even though they  
4 contain ingredients and/or components that are sourced, grown, and/or  
5 manufactured outside the United States.

6 200. Plaintiffs further allege that Defendants committed these acts with full  
7 awareness of the harm it would cause and engaged in such unfair and deceptive  
8 conduct despite this knowledge.

9 201. Defendants knew or should have known that their representations about the  
10 Class Products, as described herein, violated federal regulations and state laws,  
11 including consumer protection laws, and that these statements would be relied upon  
12 by Plaintiffs and Class members.

13 202. As a direct and proximate result of Defendants’ violations of Cal. Civ. Code  
14 §§ 1750, *et seq.*, Plaintiffs and Class members have suffered harm by paying for the  
15 Class Products, which they would not have purchased had they known the products  
16 were unlawfully, falsely, unfairly, and deceptively labeled and/or marketed.

17 203. Plaintiffs and the Class suffered monetary harm as a result of Defendants’  
18 conduct because: (a) they would not have purchased the Class Products on the same  
19 terms had it not been for Defendants’ unlawful, unfair, and deceptive actions as set  
20 forth herein; and/or (b) they paid a price premium for the Class Products or chose  
21 them over competing products due to Defendants’ marketing misrepresentations  
22 and deceptive labeling, as discussed herein.

23 204. As a result of Defendants’ false, unlawful, unfair, and deceptive  
24 misrepresentations regarding the Class Products, Plaintiffs suffered economic harm,  
25 as their money was taken under false pretenses. Defendants’ unlawful conduct  
26 included misrepresenting the contents of the Class Products, as well as the true  
27 nature and origin of the Class Products and their ingredients.



1 205. Plaintiffs and Class members reasonably relied upon Defendants’  
2 representations regarding the Class Products, and Plaintiffs and the Class  
3 reasonably expected that the Class Products would not be misbranded, unlawfully  
4 labeled or marketed in a unfair, deceptive and misleading manner.

5 206. Thus, Plaintiffs and the Class reasonably relied to their detriment on  
6 Defendants’ unlawful, unfair, deceptive and misleading representations.

7 207. Pursuant to California Civil Code § 1782(a), on or about June 10, 2025,  
8 Plaintiffs sent Defendants a notice and demand for corrective action (the “CLRA  
9 Demand”) via certified mail, informing Defendants of their violations of the CLRA  
10 and demanding that they cease and desist from such violations, as well as make full  
11 restitution by refunding all monies received in connection therewith.

12 208. Plaintiffs sent a similar notice upon non-parties Amazon.com Services LLC  
13 and Sweat Equity Group, LLC d/b/a Perspire Sauna Studio on January 28, 2026,  
14 pursuant to Cal. Civ. Code § 1782(a).

15 209. As the alleged violations were not cured by Defendants within 30 days of the  
16 CLRA Demand made to them, Plaintiffs, on behalf of themselves and the Class,  
17 seek damages and attorneys’ fees pursuant to Cal. Civ. Code § 1782(d).

18 210. As a direct and proximate result of Defendants’ violations of the CLRA,  
19 Plaintiffs and Class members are entitled to a declaration that Defendants violated  
20 the CLRA.

21 211. Pursuant to Cal. Civ. Code § 1780(a) and (b), Plaintiffs and the putative Class  
22 are entitled to, and hereby seek, injunctive relief to prohibit such conduct in the  
23 future, as well as damages.

24 212. Attached hereto as **Exhibit B** are sworn declarations from each of the  
25 Plaintiffs pursuant to Cal. Civ. Code § 1780(d).

26 //

27 //

28 //

1  
2 **SECOND CAUSE OF ACTION**  
3 **Violations of California’s Unfair Competition Law (“UCL”)**  
4 **(Cal. Bus. & Prof. Code §§ 17200, *et seq.*)**

5 213. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
6 this First Amended Complaint as though fully set forth herein, and further allege as  
7 follows:

8 214. Plaintiffs bring this claim individually and on behalf of the Class for  
9 Defendants’ violations of California’s Unfair Competition Law, Cal. Bus. & Prof.  
10 Code §§ 17200, *et seq.*

11 215. Plaintiffs and Defendants are each “person[s]” as defined by Cal. Bus. &  
12 Prof. Code § 17201.

13 216. Cal. Bus. & Prof. Code § 17204 authorizes a private right of action on both  
14 an individual and representative basis.

15 217. “Unfair competition” is defined by Cal. Bus. & Prof. Code § 17200 as  
16 encompassing several types of business “wrongs,” four of which are at issue here:

17 (1) an “unlawful” business act or practice, (2) an “unfair” business act or practice,  
18 (3) a “fraudulent” business act or practice, and (4) “unfair, deceptive, untrue or  
19 misleading advertising.”

20 218. The definitions in § 17200 are drafted in the disjunctive, meaning that each  
21 of these “wrongs” operates independently from the others.

22 219. Through the conduct alleged in detail above and herein, Defendants engaged  
23 in unlawful, unfair, deceptive and/or fraudulent business practices in violation of  
24 Cal. Bus. & Prof. Code §§ 17200, *et seq.*

25 **A. “Unlawful” Prong**

26 220. Defendants have committed acts of unfair competition, including those  
27 described above, by engaging in a pattern of “unlawful” business practices, within  
28 the meaning of Cal. Bus. & Prof. Code §§ 17200, *et seq.*





1 221. Defendants violated federal and California law by falsely advertising,  
2 marketing, labeling, and selling the Class Products as providing cognitive benefits  
3 when they did not. Defendants also violated federal and California law by falsely  
4 advertising, marketing, labeling, and selling the Class Products as “Made in the  
5 USA” and “Manufactured in the USA” without disclosing the inclusion of foreign-  
6 sourced ingredients and components.

7 222. Specifically, by manufacturing, distributing, and/or marketing the Class  
8 Products with false, unlawful, unfair and deceptive claims, Defendants violate the  
9 FDCA, 21 U.S.C. §§ 343(a) and (k); Cal. Health & Safety Code §§ 110660, 110740,  
10 110760, 110765, 110770; the CLRA; the MUSA Rule; and the CA MUSA Rule.

11 223. Defendants falsely, unlawfully, unfairly, and deceptively represent that the  
12 Class Products provide cognitive benefits when, in fact, they do not. In reality, the  
13 Class Products lack the necessary nootropic ingredients required to produce the  
14 advertised cognitive effects.

15 224. Defendants also falsely, unfairly and deceptively represent that the Class  
16 Products as “Made in the USA” and/or “Manufactured in the USA,” without clear  
17 and adequate qualification, despite containing substantial ingredients and/or  
18 components that are sourced, grown, or manufactured in foreign countries.

19 225. Aside from the unlawful conduct described herein, Defendants have other  
20 reasonably available alternatives to advance their business interests, such as  
21 accurately, truthfully, and lawfully advertising, marketing, labeling, and selling the  
22 Class Products.

23 226. Instead, Defendants deliberately and deceptively misled consumers through  
24 unlawful and unfair practices for their own economic gain.

25 227. Plaintiffs and Class members reserve the right to allege additional violations  
26 of law that constitute unlawful business practices or acts, as such conduct is ongoing  
27 and continues to this day.

28 //



**B. “Unfair” Prong**

228. Defendants have engaged in acts of unfair competition prohibited by Cal. Bus. & Prof. Code §§ 17200, *et seq.*

229. Defendants engaged in a pattern of “unfair” business practices that violate both the letter and the intent of the aforementioned statutes and regulations. Defendants’ conduct threatens an incipient violation of the law or violates the policy and spirit of the law by manufacturing, distributing, and/or marketing their products with false, unfair and deceptive claims.

230. The utility of such conduct, if any, is vastly outweighed by the harm it inflicts, particularly through the manufacturing, distribution, and/or marketing of the Class Products by means of (a) false representations that they provide cognitive benefits - such as relief from “brain fog” and enhanced or sustained “focus”- when in fact they do not and (b) unqualified, unfair, and deceptive representations that they are “Made in the USA” and/or “Manufactured in the USA,” when in fact they contain foreign ingredients and components.

231. As a result of Defendants’ conduct: (1) the injury to consumers was substantial; (2) the injury was not outweighed by any countervailing benefits to consumers or competition; and (3) the injury was one that consumers could not have reasonably avoided.

232. Without limitation, Defendants’ knowing mislabeling and false, unlawful marketing of the Class Products constitute unlawful, unfair, and deceptive business practices, misleading consumers into believing they are purchasing products that (a) provide cognitive benefits and (b) are “Made in the USA” and/or “Manufactured in the USA” using domestic ingredients and components.

233. Plaintiffs could not have reasonably avoided the resulting injury.

234. Plaintiffs reserve the right to allege additional conduct that constitutes further unfair business acts or practices.

//



1 **C. “Fraudulent” Prong**

2 235. Defendants violated the “fraudulent” prong of the UCL by misleading  
3 Plaintiffs and the Class to believe that the Class Products (a) provide cognitive  
4 benefits and (b) are “Made in the USA” and/or “Manufactured in the USA.”

5 236. The Class Products were falsely marketed as providing cognitive benefits -  
6 such as relief from “brain fog” and enhanced or sustained “focus,” when, in fact,  
7 they lack the necessary nootropic ingredients required to produce the advertised  
8 cognitive or energy effects. As a result of Defendants’ false, deceptive, and  
9 misleading marketing, Plaintiffs and Class Members were misled into purchasing  
10 products that did not perform as advertised.

11 237. When Plaintiff Gianne browsed the Amazon.com webpage for the “LMNT  
12 Zero Sugar Electrolytes – Raspberry Salt | Drink Mix | 30-Count” on December 9,  
13 2023, she reviewed language stating “FEEL THE DIFFERENCE: All-day energy  
14 starts with optimal hydration. More energy. No brain fog or cramps. You feel the  
15 difference when you get it right,” which appeared under the “About this item”  
16 section of that page.

17 238. Similarly, marketing images of the Class Products, including the Products,  
18 displayed on Amazon, prominently featured the claim “FEEL THE DIFFERENCE.  
19 All-day energy starts with optimal hydration. More energy. No brain fog or cramps.  
20 You feel the difference when you get it right” (emphasis added), which Plaintiff  
21 Gianne saw, read, and relied upon.

22 239. The Class Products are also falsely represented as “Made in the USA” and  
23 “Manufactured in the USA” without clear and adequate qualification, despite  
24 containing foreign sourced, grown or manufactured ingredients and/or components.

25 240. When Plaintiff Gianne browsed the Amazon.com webpage for the “LMNT  
26 Zero Sugar Electrolytes – Raspberry Salt | Drink Mix | 30-Count” on December 9,  
27 2023, she reviewed one of the product’s images on Amazon.com, which  
28

1 prominently portrayed iconography of the American flag with the words “MADE  
2 IN THE USA.”

3 241. Relying on the foregoing misrepresentations, Plaintiff Gianne purchased the  
4 “LMNT Zero Sugar Electrolytes – Raspberry Salt | Drink Mix | 30-Count” for  
5 \$45.00, exclusive of taxes and shipping, from Amazon.com.

6 242. On January 31, 2025, Plaintiff Gianne encountered a similar  
7 misrepresentation on a single stick pack of the “LMNT Zero Sugar Electrolytes –  
8 Citrus Salt | Drink Mix,” available for individual purchase, at Perspire Sauna Studio  
9 in Santa Monica, California. Relying on Defendants’ representations (including  
10 previous representations) that the Product offered cognitive benefits and was of  
11 domestic origin, such as Defendants’ representation on the back of the single stick  
12 product’s packaging that it was “MANUFACTURED IN THE USA,” Plaintiff  
13 Gianne purchased a single stick pack of the “LMNT Zero Sugar Electrolytes –  
14 Citrus Salt | Drink Mix” for \$4.00, not including taxes, for her personal use.

15 243. Similarly, on January 18, 2024, while visiting Defendants’ website, Plaintiff  
16 Powell came across a webpage for Defendants’ “LMNT INSIDER Bundle,” which  
17 allows a customer to choose three (3) 30-count boxes of different single stick packs  
18 along with a bonus item. While reviewing that webpage, Plaintiff Powell came  
19 across pictures of the ingredient panel for each flavor of the Product, including the  
20 Grapefruit Salt, Citrus Salt, and Raspberry Salt flavors, which indicated that the  
21 Products were all “Manufactured in the USA.” Relying on this representation,  
22 Plaintiff Powell purchased the “LMNT INSIDER Bundle,” which included three  
23 (3) 30-count boxes of the Product (Grapefruit Salt, Citrus Salt, and Raspberry Salt)  
24 for \$135.00, exclusive of tax and shipping, for her personal use. As part of her  
25 purchase, Plaintiff Powell also received the Chocolate Caramel flavor of the  
26 Product as a bonus item.

27 244. Like Plaintiffs, Class members purchased the Class Products in reliance on  
28 Defendants’ misrepresentations, as reasonable consumers would.

1 245. Plaintiffs and the Class are not sophisticated experts in consumer product  
2 marketing practices, product labeling, ingredient benefits or sourcing, or the  
3 regulations governing products such as the Class Products.

4 246. Plaintiffs and members of the putative Class acted reasonably in purchasing  
5 the Class Products based on their belief that Defendants’ representations were  
6 accurate, truthful and lawful.

7 247. Plaintiffs reserve the right to allege additional conduct that constitutes further  
8 fraudulent business acts or practices.

9 ***D. “Unfair, Deceptive, Untrue or Misleading Advertising” Prong***

10 248. Defendants’ labeling, marketing, and advertising is unfair, deceptive, untrue,  
11 and misleading, as it misleads consumers into believing that the Class Products (a)  
12 provide cognitive benefits when they do not; and (b) are “Made in the USA” and/or  
13 “Manufactured in the USA,” despite being made with foreign-sourced ingredients  
14 and components.

15 249. Plaintiffs, as reasonable consumers, and the general public were likely to be,  
16 and in fact were, deceived and misled by Defendants’ labeling and marketing. They  
17 reasonably interpreted Defendants’ representations according to their plain and  
18 ordinary meaning—that the Class Products (a) provide cognitive benefits and (b)  
19 are “Made in the USA” and/or “Manufactured in the USA,” meaning that they are  
20 made with domestic ingredients and components.

21 250. Plaintiffs and the Class are not sophisticated experts in consumer product  
22 marketing practices, product labeling, ingredient benefits or sourcing, or regulations  
23 governing the Class Products. They acted reasonably in purchasing the Class  
24 Products based on their belief that Defendants’ representations were accurate,  
25 truthful and lawful.

26 251. Plaintiffs and the Class lost money or property as a result of Defendants’  
27 UCL violations because, at a minimum: (a) they would not have purchased the Class  
28 Products on the same terms had they known the true facts about Defendants’



1 representations; (b) they paid a price premium for the Class Products due to  
2 Defendants' alleged misrepresentations; and/or (c) they chose Class Products over  
3 the products of Defendants' competitors who made accurate, truthful and lawful  
4 representations about their products.

5 252. Defendants' alleged unlawful, unfair, and deceptive business practices, along  
6 with their unfair, deceptive, untrue, or misleading advertising, present a continuing  
7 threat to the public as Defendants and their agents continue to engage in unlawful  
8 conduct that harms consumers.

9 253. Such acts and omissions by Defendants are unlawful, unfair, and/or  
10 deceptive, constituting violations of Cal. Bus. & Prof. Code §§ 17200, *et seq.*  
11 Plaintiffs reserve the right to identify additional violations by Defendants as may  
12 be uncovered through discovery.

13 254. As a direct and proximate result of the acts and representations described  
14 above, Defendants have received and continue to receive unearned commercial  
15 benefits at the expense of their competitors and the public.

16 255. As a direct and proximate result of Defendants' unlawful, unfair, and  
17 fraudulent conduct described herein, Defendants have been, and will continue to be,  
18 enriched by ill-gotten gains from customers, including Plaintiffs, who unwittingly  
19 provided money based on Defendants' misrepresentations.

20 256. Plaintiffs were harmed because Defendants received Plaintiffs' money  
21 through unlawful, false, unfair, and deceptive representations made regarding the  
22 Class Products.

23 257. Defendants' conduct, as described above, demonstrates the need for  
24 injunctive relief to restrain such acts of unfair competition pursuant to California's  
25 Business and Professions Code. Unless enjoined by the court, Defendants will retain  
26 the ability to, and may, continue to engage in unfair and deceptive competition and  
27 misleading marketing. As a result, Plaintiffs and the Class are entitled to both  
28 injunctive and monetary relief.





1 258. Plaintiffs would like to purchase the Class Products again but cannot be  
2 certain they will not be misled in the future unless and until Defendants make  
3 appropriate changes to the labeling and marketing of their Class Products, as  
4 requested herein.

5 259. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiffs and the proposed Class  
6 are entitled to, and hereby seek, injunctive relief to prevent Defendants from  
7 continuing the conduct in question. Additionally, Plaintiffs seek public injunctive  
8 relief to prevent Defendants from marketing and selling products as (a) providing  
9 cognitive benefits - such as relief from “brain fog” and enhanced or sustained  
10 “focus” and (b) being “Made in the USA” and/or “Manufactured in the USA” (or  
11 similar language) without clear and proper qualification of the foreign ingredients  
12 and components contained therein.

13 260. In prosecuting this action to enforce important rights affecting the public  
14 interest, Plaintiffs seek the recovery of attorneys’ fees and costs pursuant to, *inter*  
15 *alia*, Cal. Civ. Proc. Code § 1021.5.

16  
17 **THIRD CAUSE OF ACTION**  
18 **Violations of California’s False Advertising Law (“FAL”)**  
19 **(Cal. Bus. & Prof. Code §§ 17500, *et seq.*)**

20 261. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
21 this First Amended Complaint as though fully set forth herein, and further allege as  
22 follows:

23 262. California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code §§  
24 17500, *et seq.*, states that “[i]t is unlawful for any ... corporation ... with intent ...  
25 to dispose of ... personal property ... to induce the public to enter into any obligation  
26 relating thereto, to make or disseminate or cause to be made or disseminated ... from  
27 this state before the public in any state, in any newspaper or other publication, or  
28 any advertising device, or by public outcry or proclamation, or in any other manner  
or means whatsoever, including over the Internet, any statement...which is untrue



1 or misleading and which is known, or which by the exercise of reasonable care  
2 should be known, to be untrue or misleading....”

3 263. Defendants’ material misrepresentations and omissions, as alleged herein,  
4 violate Cal. Bus. & Prof. Code §§ 17500, *et seq.* Defendants knew or should have  
5 known that these misrepresentations and omissions were false, unlawful, unfair,  
6 deceptive, and misleading. This includes, but is not limited to, the representations  
7 that (a) the Class Products provide cognitive benefits - such as relief from “brain  
8 fog” and enhanced or sustained “focus” and (b) the Class Products are “Made in the  
9 USA” and/or “Manufactured in the USA” despite containing foreign-grown,  
10 sourced, or manufactured ingredients and components.

11 264. Plaintiffs and the Class suffered tangible, concrete injuries as a result of  
12 Defendants’ actions, as set forth herein, because they purchased the Class Products  
13 in reliance on Defendants’ misrepresentations.

14 265. As a result, pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiffs and Class  
15 members are entitled to injunctive relief, equitable relief, and restitution.

16 266. Plaintiffs and the Class seek an order requiring Defendants to disclose the  
17 misrepresentations and request an order awarding Plaintiffs restitution for the  
18 money wrongfully acquired by Defendants through those misrepresentations.

19 267. Plaintiffs and the Class seek an order requiring Defendants to pay attorneys’  
20 fees pursuant to, *inter alia*, Cal. Civ. Proc. Code § 1021.5.

21 **FOURTH CAUSE OF ACTION**  
22 **Intentional Misrepresentation**

23 268. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
24 this First Amended Complaint as though fully set forth herein, and further allege as  
25 follows:

26 269. Defendants knowingly and intentionally represented to the public, including  
27 Plaintiffs and the Class, through their marketing, advertising, labeling, and other  
28 means, that (a) the Class Products provide cognitive benefits and (b) are “Made in



1 the USA” and/or “Manufactured in the USA” without any qualification of foreign  
2 ingredients and components contained therein. These representations are unfair,  
3 deceptive, false and misleading because (a) the Class Products lack the necessary  
4 nootropic ingredients required to produce the advertised cognitive effects and (b)  
5 the Class Products contain multiple ingredients and components that are sourced  
6 from outside the United States.

7 270. Defendants knew their representations were false because they maintain full  
8 control over the formulation and manufacturing of the Class Products.

9 271. Defendants acted intentionally by willfully and purposefully disseminating  
10 misrepresentations about the Class Products through labeling as well as online and  
11 offline marketing, advertising, and social media.

12 272. However, as described above, Defendants’ representations regarding the  
13 Class Products are false, unlawful, unfair, deceptive and/or misleading.

14 273. Defendants knew their representations regarding the Class Products were  
15 false, unlawful, unfair, deceptive, and/or misleading, yet continued to make such  
16 representations over a period of years.

17 274. Defendants further knew that their agents and retailers were marketing the  
18 Class Products in a false or misleading manner, as Defendants together designed,  
19 manufactured, and affixed the product labeling to the Class Products before  
20 supplying them to retailers. Additionally, Defendants provided their agents and  
21 retailers with marketing materials that contained their false and misleading  
22 representations, thereby perpetuating the deception.

23 275. Plaintiffs and the putative Class members saw, believed, and relied on  
24 Defendants’ misrepresentations when deciding to purchase the Class Products.

25 276. As a direct and proximate result of Defendants’ intentional  
26 misrepresentations described above, Plaintiffs and the putative Class suffered  
27 damages in an amount to be determined at trial.

1 277. By engaging in the acts described above, Plaintiffs and the putative Class are  
2 entitled to recover exemplary or punitive damages.

3  
4 **FIFTH CAUSE OF ACTION**  
**Breach of Express Warranty**

5 278. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
6 this First Amended Complaint as though fully set forth herein, and further allege as  
7 follows:

8 279. Defendants represented to Plaintiffs and similarly situated consumers,  
9 through their labeling, advertising, and marketing, that (a) the Class Products  
10 provide cognitive benefits - such as relief from “brain fog” and enhanced or  
11 sustained “focus” - when, in fact, they do not; and (b) the Class Products are “Made  
12 in the USA” and/or “Manufactured in the USA” without any qualification or  
13 disclosure of the inclusion of foreign ingredients and components.

14 280. Defendants’ representations regarding the Class Products’ nootropic benefits  
15 and unqualified domestic origin claims constitute affirmations of fact.

16 281. Defendants’ explicit claims that the Class Products provide cognitive  
17 benefits, as well as Defendants’ unqualified representations that the Class Products  
18 are “Made in the USA” and/or “Manufactured in the USA,” directly pertain to the  
19 efficacy, nature and composition of the products. These representations form a  
20 fundamental part of the bargain between Defendants and purchasers, influencing  
21 consumer purchasing decisions and expectations.

22 282. Defendants’ statements—prominently featured on the labeling and marketing  
23 of the Class Products—constitute express warranties regarding the benefits, nature,  
24 composition, and origin of the products and their ingredients.

25 283. Relying on these express warranties, Plaintiffs and Class members purchased  
26 the Class Products, believing these warranties.

27 284. Defendants breached their express warranties by falsely representing that the  
28 Class Products provide cognitive benefits when, in fact, they do not. Additionally,



1 Defendants breached their express warranties by representing that the Class  
2 Products were “Made in the USA” and/or “Manufactured in the USA,” without  
3 qualification, when, in reality, they contained foreign-sourced ingredients.

4 285. As a result of Defendants’ breach, Plaintiffs and Class members suffered  
5 harm and are entitled to recover either the full purchase price of the Class Products  
6 or the difference between their actual value and the value they would have held had  
7 Defendants’ representations regarding the Class Products been accurate, truthful,  
8 and lawful.

9 286. Plaintiffs and Class members did not receive the benefit of their bargain and  
10 sustained additional injuries, as alleged herein.

11 287. Had Plaintiffs and Class members known the true nature, benefits and origin  
12 of the ingredients of the Class Products, they either would not have purchased the  
13 products or would not have paid the price Defendants charged.

14 288. Defendants’ misrepresentations were a substantial factor in causing Plaintiffs  
15 and the Class economic harm.

16  
17 **SIXTH CAUSE OF ACTION**  
**Unjust Enrichment**

18 289. Plaintiffs plead this unjust enrichment cause of action in the alternative to  
19 contract-based claims.

20 290. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of  
21 this First Amended Complaint as though fully set forth herein, and further allege as  
22 follows:

23 291. Under California law, the elements of unjust enrichment are the receipt of a  
24 benefit and the unjust retention of that benefit at the expense of another.

25 292. Plaintiffs and members of the Class conferred non-gratuitous benefits upon  
26 Defendants by purchasing the Class Products, which Defendants misrepresented as  
27 to their benefits, and origin.  
28



1 293. Plaintiffs and Class members allege that Defendants owe them money for the  
2 unjust conduct described herein that resulted in the wrongful acquisition of funds.

3 294. An undue advantage was taken of Plaintiffs' and the Class's lack of  
4 knowledge of the deception, resulting in money being extracted to which  
5 Defendants had no legal right.

6 295. Defendants are therefore indebted to Plaintiffs and members of the Class in  
7 a specific sum—the amount of money each paid for the Class Products, which  
8 Defendants should not retain in equity and good conscience.

9 296. Defendants are therefore liable to Plaintiffs and members of the Class for the  
10 amount of unjust enrichment.

11 297. Defendants' retention of any benefit, whether directly or indirectly collected  
12 from Plaintiffs and members of the Class, violates principles of justice, equity, and  
13 good conscience.

14 298. As a result, Defendants have been and continue to be unjustly enriched.

15 299. Plaintiffs and the Class are entitled to recover from Defendants all amounts  
16 Defendants have wrongfully and improperly obtained, and Defendants should be  
17 required to disgorge to Plaintiffs and the Class benefits they have unjustly received.

18 300. Defendants accepted and retained such benefits with knowledge that  
19 Plaintiffs' and Class members' rights were being violated for financial gain.  
20 Defendants have been unjustly enriched by retaining the revenues and profits  
21 obtained from Plaintiffs and Class members, and such retention under these  
22 circumstances is both unjust and inequitable.

23 301. As a direct and proximate result of Defendants' unlawful practices and the  
24 retention of monies paid by Plaintiffs and the Class, Plaintiffs and the Class have  
25 suffered concrete harm and injury.

26 302. Defendants' retention of the non-gratuitous benefits conferred upon them by  
27 Plaintiffs and the Class would be unjust and inequitable.  
28

1 303. Plaintiffs and members of the Class are entitled to seek disgorgement and  
2 restitution of wrongful profits, revenue, and benefits conferred upon Defendants, in  
3 a manner to be determined by this Court.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for relief and judgment against Defendants,  
6 and each of them, as follows, seeking equitable relief in the alternative to legal relief:

- 7 • Certification of this action as a class action;
- 8 • Appointment of Plaintiffs as Class Representatives;
- 9 • Appointment of Plaintiffs' attorneys as Class Counsel;
- 10 • That Defendants' wrongful conduct alleged herein be adjudged and decreed  
11 to violate the consumer protection statutes asserted herein;
- 12 • An Order declaring that Defendants' conduct violated the CLRA, Cal. Civ.  
13 Code §§ 1750, *et seq.*, and awarding injunctive relief pursuant to Cal. Civ.  
14 Code § 1780(a) and (b);
- 15 • An Order declaring that Defendants' conduct violated California's Unfair  
16 Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.*, and awarding  
17 injunctive relief pursuant to Cal. Bus. & Prof. Code § 17203;
- 18 • An Order requiring Defendants to disgorge all monies, revenues, and profits  
19 obtained by means of any wrongful act or practice;
- 20 • An Order requiring the imposition of a constructive trust and/or disgorgement  
21 of Defendants' ill-gotten gains, compelling Defendants to pay restitution to  
22 Plaintiffs and all members of the Class, and to restore to Plaintiffs and Class  
23 members all funds acquired through any act or practice declared by this Court  
24 to be unlawful, fraudulent, unfair, or deceptive; in violation of laws, statutes,  
25 or regulations; or constituting unfair competition, along with pre- and post-  
26 judgment interest thereon;
- 27 • For pre and post-judgment interest on all amounts awarded;
- 28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- For an order of restitution and all other forms of equitable monetary relief, as pleaded, including awarding such relief pursuant to Cal. Bus. & Prof. Code § 17535 and/or Cal. Bus. & Prof. Code § 17203;
- Actual damages under Cal. Civ. Code § 1780(a);
- For public injunctive relief as pleaded or as the Court may deem proper;
- That Defendants be enjoined from continuing the wrongful conduct alleged herein and required to comply with all applicable laws;
- Punitive damages including under Cal. Civ. Code § 1780(a) and/or Cal. Civ. Code § 3294;
- General and compensatory damages in an amount to be determined at trial;
- That Plaintiffs and each of the other members of the Class recover their costs of suit, including reasonable attorneys’ fees and expenses pursuant to, *inter alia*, Cal. Civ. Proc. Code § 1021.5 and Cal. Civ. Code § 1780; and
- That Plaintiffs and the members of the Class be granted any other relief the Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

304. Plaintiffs, individually and on behalf of all others similarly situated, hereby demand a jury trial on all claims so triable.

Dated: March 10, 2026

Respectfully submitted,

**KAZEROUNI LAW GROUP, APC**

By: /s/ Abbas Kazerounian  
Abbas Kazerounian, Esq.  
*ATTORNEYS FOR PLAINTIFFS*

1 **Additional Plaintiffs’s Counsel**

2 **KAZEROUNI LAW GROUP, APC**

3 Jason A. Ibey, Esq. (SBN: 284607)

4 jason@kazlg.com

5 321 N Mall Drive, Suite R108

6 St. George, UT 84790

7 Telephone: (800) 400-6808

8 Facsimile: (800) 520-5523

9 **KAZEROUNI LAW GROUP, APC**

10 Gil Melili, Esq. (SBN: 337116)

11 gil@kazlg.com

12 245 Fischer Avenue, Unit D1

13 Costa Mesa, California 92626

14 Telephone: (800) 400-6808

15 Facsimile: (800) 520-5523

